

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 10, 2023
Rough Draft

WAYNE: Good morning and welcome to Judiciary Committee. My name is Senator Justin Wayne. I represent Legislative District 13, which is north Omaha and northeast Douglas County. I serve as the Chair of Judiciary. First, we'll start off by having committee members and staff do self-introductions starting with my right, Senator Ibach.

IBACH: Thank you, Mr. Chairman. I'm Teresa Ibach, District 44, which is eight counties in southwest Nebraska.

McKINNEY: Good morning. Terrell McKinney, senator of District 11, north Omaha.

GEIST: Good morning. Suzanne Geist, District 25, which is the east side of Lincoln and Lancaster County.

JOSH HENNINGSEN: Josh Henningsen, committee legal counsel.

ANGENITA PIERRE-LOUIS: Angenita Pierre-Louis, committee clerk.

DeBOER: Hi, everyone. My name is Wendy DeBoer. I represent District 10 in northwest Omaha.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

WAYNE: All right. Also assisting us is our committee pages, Morgan Baird from Gering, who is a political science major at UNL, and Chrissy Gulseth from Omaha, who is also majoring in political science at UNL. Today-- this morning, we'll be hearing three bills that will be taken up in order listed outside of the room. On the table in the back of the room, you'll find blue testifier sheets. If you are planning to testify today, please fill out a blue testifier sheet so we can make sure we have accurate records. If you do not wish to testify, but want to have your record, record your presence at this hearing and a position at this hearing, please fill out the gold sheet in the back of the room. Also, I will note it's the Legislature's policy that all letters for the record must be turned in by noon the day prior to the hearing. Any handouts, please make sure you hand them to the pages so to make sure we have an accurate count. Testimony will begin with introducer's opening statement, followed by proponents, supporters of the bill, and those who oppose, followed by those speaking in neutral capacity. The introducer will then be given an opportunity to make a closing statement. We ask that you begin your testimony by first stating and spelling your first name and last name for the record. We will be using the three-minute light system. So

when your testimony begins it'll be green, yellow is one minute, and the red light we will ask you to wrap up your thoughts. I would like to remind everyone, including senators, to please turn off or silence your cell phone or put them on vibrate. With that, we will begin today's hearing with LB220. Senator Ibach, welcome to your Judiciary Committee.

IBACH: This is a great chair compared to some of the other hearing rooms. Thank you, Mr. Chairman. Good morning, fellow members of the Judiciary Committee. My name is Senator Teresa Ibach, T-e-r-e-s-a I-b-a-c-h, and I represent Legislative District 44. Today, I'm here to introduce LB220 for your consideration. LB220 is a bill-- is a simple bill that seeks to strengthen the rights of Nebraskans who are victims of crimes. LB220 requires the Board of Pardons to notify a victim whose name appears in the file of a convicted person via certified mail of any pardon or commutation proceedings at least 90 calendar days prior to the proceedings and within 10 days if a pardon or commutation has been granted. This will ensure that victims of crimes are notified in a timely manner and there is a record that the notification was delivered or a bona fide delivery attempt was made. For background, in 1996, the Nebraska Constitution was amended and provided victims of crimes additional rights. Article 128 states: (1) A victim of a crime as shall be defined by law, or his or her guardian or representative, shall have the right to be informed of all criminal court proceedings, the right to be present at trial unless the trial courts find sequestration necessary for a fair trial for the defendant, and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. Excuse me. This enumeration of certain rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims. And (2) The Legislature shall provide by law for the implementation of the rights granted in this section. To ensure victims are notified for their constitutional rights, LB270 was enacted into law in 2004. This bill amended Nebraska Revised Statute 81-1850 to include language that states: A victim whose name appears in the file of a convicted person shall be notified by the Board of Pardons: (a) Of any pardon or commutation proceedings, and (b) If a pardon or commutation has been granted and task the Board of Pardons to adopt rules and regulations, if necessary, to care out-- carry out the provisions of this section. I read news articles that Nebraskans who are victims of a crime have not been notified prior to the pending hearing or if a pardon has been granted leaving these victims to find out after the fact, which is why

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I am seeking to strengthen these provisions today. I am also submitting AM335 for your consideration. AM335 further strengthens the intent of this bill by automatically including the name and address of the victim in the file of a convicted person unless the victim makes the conscious decision to opt out of further notifications. After receiving the fiscal note yesterday, I did not understand how LB220 had zero fiscal impact. The fiscal note submitted by the Nebraska Crime Commission said: No fiscal impact due to the fact that the Board of Pardons does not have access to the information needed for, for victim tracking. This makes me think that there may be need-- may need to be additional tweaks to LB220 to ensure that the Board of Pardons will be in compliance with stat-- the statute that was enacted 19 years ago. And I'm willing to work with anyone to ensure that this happens because this is that important. Additionally, during my research for this bill, Nebraska Revised Statute 83-1,127 already required the Board of Pardons to make rules and regulations for its own administration and operation. However, these rules and regulations do not appear to be public. LB220 would require the Board of Pardons to make public these rules and regulations to improve government transparency. With that, I thank you for your time and I will entertain any questions.

WAYNE: Any questions from the committee? Seeing none,--

IBACH: Thank you.

WAYNE: --thank you.

IBACH: Thank you, Mr. Chairman.

WAYNE: First proponent. First proponent.

JODY SNOGREN: Good morning.

WAYNE: Welcome.

JODY SNOGREN: My name is Jody Snogren, S-n-o-g-r-e-n. I come before you today because someone who committed a violent crime against me received a pardon in September of 2022. I found out about the pardon by accident one month later in October of 2022. In the spring of 1993, my estranged husband, John Arias, came into my home, tied me up with parachute cord, gagged me, and violently raped me repeatedly while threatening to kill me with a hunting knife while our small children and my nephew were in the next room. He told me his intent that night was to kill me, and I believe him. I was 28 years old. The details of

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that night and the years of abuse that led up to it still haunt me 30 years later. John Arias committed multiple felonies and faced lengthy sentencing. He was offered a plea agreement which dropped several of the charges and kept him from facing a jury with the caveat that he would remain on the lifetime sex offender registry. The judge sentenced him to 15 to 30 years in the State Penitentiary. During his imprisonment, he continued to torment and threaten me. When he became eligible for parole or was ever outside of the prison walls, I was alerted by the vine system of notification. He was released after spending the maximum sentence with credit for the good time served rule. Not once in 30 years has John Arias offered remorse to me or our children. In fact, he has done just the opposite by stating at one point that I deserve what I get and that I should watch my back for the rest of my life. Never in my wildest dreams would I have thought that, number one, he would be eligible for a pardon, and two, that he would be granted one. Most importantly, the pardon was granted without my concern or with any concern for the person who was violated, me. I was not at the pardon's meeting in September because I had no idea it was happening. No one considered that the one person who might be most affected by the pardon should be contacted. I have lived in the same house for 27 years, have the same address and cell number. Former Governor Ricketts and former Attorney General voted for the pardon with bias lies and info. Now Arias is removed from the sex offender registry, can vote and own a firearm. Trauma of the magnitude that Arias inflicted does not just go away. I spent years in counseling and struggled with PTSD. One act, the pardon, brought all that back with awful nightmares and memories. I went back to counseling in November, had cameras installed in my home, and contacted law enforcement where I live. His violent acts were forgiven by the state of Nebraska. His rights. were restored. I ask you, where do my rights fit in?

WAYNE: Ma'am, I'm going to ask you to stop.

JODY SNOGREN: OK.

WAYNE: Senator Geist.

GEIST: I'm just-- I don't even know what to say. I'm just going to let you finish your-- what you had planned to say.

JODY SNOGREN: OK. Thank you.

GEIST: Um-hum.

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JODY SNOGREN: I'll be honest, the entire pardon's process tests my belief in the process of law. That is not the issue today. The issue is LB220. It will require the Board of Pardons to notify the victims of the crime at issue by certified mail 90 days ahead of the proceeding. I believe I have the right to be informed and to be present to make any concerns known or to, in the very least, make a statement, statement of my concern. And I would just like to thank Senator Ibach and you all for allowing me to finally have a voice.

GEIST: And I'll say I believe you have that right at, at a minimum. So thank you--

JODY SNOGREN: Thank you.

GEIST: --for your testimony.

WAYNE: Any other questions from the committee? Senator DeBoer.

DeBOER: I just want to say thank you for being here and pointing out this problem in our system, and I hope we can work together to get this figured out.

JODY SNOGREN: Thank you. Me too.

DeBOER: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

JODY SNOGREN: Thank you.

WAYNE: Next proponent.

BETH LINN: Good morning, Chairman Wayne and members of the Judiciary Committee. My name is Beth Linn, B-e-t-h L-i-n-n. I am speaking to you today in support of LB220 because of the recent events of the utilization of the nonprofit veterans organization by a convict to obtain a pardon which removed him from the sex offender registry. The victim only became aware of the hearing and the resulting pardon because we, the "What about Us" rally group, announced in public media across the state that we were protesting this action. I was contacted by the victim, which is when I found out she had not been notified by the Pardons Board. The resulting impact on her and other victims across the state is what made it clear to us that the Pardons Board is in need of more oversight, that the victim's ability to protect

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themselves is seriously compromised by the current legislation. LB220 is the first step in the right direction to protect the victims of crime. We want to thank Senator Ibach for recognizing the serious errors in previous legislation and we hope you guys do pass this.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

BETH LINN: Thank you.

WAYNE: Next proponent. Proponent. Any opponents? Any opponents? Anyone here testifying in the neutral capacity? Testifying in the neutral capacity? For the record, we received two letters of support. Senator Ibach, you're welcome to close.

IBACH: Thank you, Mr. Chairman. I would just like to say thank you for those that came today and testified in favor of this. This really is just to hold the Board of Pardons and the, and the Department of Parole accountable. And I think this legislation will do that. So I appreciate your support. I appreciate you listening. Thank you.

GEIST: Ask a question?

WAYNE: Yes, Senator Geist.

GEIST: I'm just shocked, I guess, that this isn't happening and it, it appears that it should be.

IBACH: It, it really is just to hold them accountable and make the-- make sure that this is happening because it's not.

GEIST: Wow. OK. Well, thank you for bringing this.

IBACH: It's an awareness issue. And, you know, as you heard the testifiers, it is a real issue. And I just hope that this maybe cleans up some of the language and really holds them accountable.

GEIST: Yeah, thanks for--

IBACH: It's an easy one.

GEIST: --bringing it.

IBACH: All right. Thank you.

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WAYNE: Thank you. Any other questions from the committee? Seeing none, well, this will close the hearing on LB220 and now we will open the hearing on LB757. Welcome to your Judiciary Committee, Senator DeBoer. Welcome.

DeBOER: Good morning, Chair Wayne and fellow members of the Judiciary Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent the 10th Legislative District in northwest Omaha. I'm here today to introduce LB757, which will make changes to the application process for the Crime Victim's Reparations Fund in a few different ways. Last session, my office introduced Legislative Resolution, LR412, to examine if protections and programs afforded to crime victims and survivors are adequate. After surveying victim assistance programs and direct service providers across the state, it was clear that improvements must be made to programs that serve crime victims. More specifically, providers noted how critical it is to improve the Nebraska Crime Victim's Reparations, or CVR program, for victims and survivors by providing transparency throughout the process, ensuring funds are distributed efficiently and equitably and lifting barriers that make it difficult for victims to access funds. LB757 seeks to address both the efficiency of distribution and the lifting of barriers to accessing CVR funds. For background, the CVR was created in 1979 after the passage of LB910 to provide financial support to any-- innocent victims for certain expenses related to a reported crime as determined by the hearing officer. Eligible applicants include innocent victims, family members of innocent victims or anyone who was injured as a result of helping an innocent victim. Applicants may be granted compensation for a variety of expenses, up to \$25,000 per incident, as a result of the crime, including: medical expenses incurred as a direct result of the crime, loss of wages while under a doctor's care as a direct result of the crime, funeral expenses as a direct result of the crime with a maximum there of \$5,000, loss of earning power as a direct result of the con-- clerk-- crime and counseling expenses as a direct result of the crime and that is capped at \$2,000. Per Nebraska Revised Statute 81-1821, to be eligible for the funds, the victim or applicant must have submitted the application within two years after the date of the personal injury or death and the personal injury or death was the result of an incidence or offense which has been reported to the police within three days of its occurrence. An exception to the three-day reporting requirement is made for victims of domestic violence, sexual assault and child abuse who have obtained a protection order related to the incident, reported to the crime to police any time before applying to the CVR program, or

have presented for a medical forensic exam related to the incident. Funding for the CVR program comes from various sources, including state General Fund appropriations, consisting of 5 percent of offenders' wages who are employed in the Federal Prison Industries program, a \$1 court fee for each misdemeanor or felony conviction, with up to 5 percent of net wages of inmates assigned to the Department of Correctional-- work release program. Federal funds also account for a portion of the program's funding. The federal funds are available-- that are available vary from year to year, with the federal award estimated to be about 60 percent of the state funds expended during the previous fiscal year, meaning that Nebraska's inability to distribute funds efficiently through the state's program has the potential to reduce the state's future funding because it reduces the state's federal funding. I introduced LB757 in order to start addressing just a few of the very serious problems associated with the CVR. As we've heard before in this committee, this Legislature and the state have already decided that we care enough about victims of these crimes to ensure that they have access to the healthcare and services they need to recover. The proposed changes in LB757 are based in victim-centered, trauma-informed best practices and were developed in consultation with victims, victim advocates and experts in the field. These changes are intended to fulfill our promise as a Legislature and a state to protect and help innocent victims of these crimes, so I appreciate the committee's willingness to help us reach that goal with LB757. So I'm happy to take any questions.

WAYNE: Any questions from the committee?

DeBOER: I will say, I handed out for you the report of my LR this summer so that you have that report that we created at the-- as part of the LR.

WAYNE: Seeing none, thank you for being here. First proponent. First proponent. Welcome.

ERIN FEICHTINGER: Thank you. Chairperson Wayne, members of the Judiciary Committee, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and I'm the policy director for the Women's Fund of Omaha. We are committed to ending gender-based violence in this state and as such, we worked closely with Senator DeBoer's office on LR412 to identify gaps in our current programs serving victims and to identify opportunities to improve those programs. LB757 is an important step towards those improvements, specifically, the Crime

Victim's Reparation Program. As Senator DeBoer stated, we intended to identify gaps in the services and funds, specifically, that the state uses to help victims of domestic violence, sexual assault and child abuse. Victim assistance programs, serving victims of those crimes from across the state, provided feedback and most of those responses centered on their experience with the Crime Victim's Reparations Program, or the CVR. While some strengths were identified in the process, including the ability of healthcare providers to directly bill the CVR for services, the overwhelming majority of respondents expressed frustrations with the inefficiency of the program, its lack of transparency and the lack of a trauma-informed response to victims in their attempts to access that funding. We cannot fix everything at once, but LB757, as well as other bills heard in this committee like LB315, are important steps toward making sure that victims of these crimes are well served by these services in the way that this Legislature has intended. Specifically, LB757 addresses the strict eligibility requirements currently utilized in the CVR process that has unfairly disqualified victims and their families from receiving the funds they would otherwise receive if the process was more flexible so as to be trauma-informed and victim-centered. The existing eligibility requirements provide no room for a trauma-informed approach to victims and their families, which often results in re-traumatization of victims and serious financial consequences for them. Multiple respondents cited an overly strict interpretation of eligibility requirements for compensation as another problem with the CVR program. The funding time frame and model does not serve many survivors and victims, especially those who have experienced sexual assault or child abuse. Research shows that few victims of these types of crimes seek assistance immediately following the incident and may choose to disclose late-- years later, if at all. Furthermore, victims who are minors at the time of the incident may not have the appropriate resources to navigate the CVR program and one solution to help these victims in the short term is to extend that to your timeline to apply to the program and provide flexibility on a case-by-case basis. While not specific to the changes in LB757, it is important to note that changing the eligibility requirements may also help us start to address the serious concerns around the disconcertingly high rate of denials from the program and the incredibly long processing times for the CVR. The CVR program is, quite simply, not operating as the Legislature intended and victims, as well as health care providers, are being left to bear the burden of a program designed to help them currently failing in almost every way to do so.

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WAYNE: Thank you.

ERIN FEICHTINGER: Happy to take any questions you may have.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next proponent. Next proponent.

CHRISTON MacTAGGART: Good morning. My name's Christon MacTaggart, C-h-r-i-s-t-o-n, last name M-a-c-T-a-g-g-a-r-t. Chairperson Wayne, members of the Judiciary Committee, I'm here on behalf of the Nebraska Coalition and our network of sexual and domestic violence programs across the state to testify in support of LB757. Our network of 20 programs collectively serves all 93 counties in Nebraska. We are the primary service provider-- providers for domestic and sexual violence survivors. Last year, our network answered over 36,000 crisis calls and they met with and provided direct support to almost 12,000 victims. These individuals often have a spectrum of challenges related to the trauma they've experienced. It can include mental health issues, medical bills from physical injuries, costs related to property damage from an abuser, loss of wages that impact their ability to maintain housing, vehicle, child care, etcetera. The list goes on. It could include one of those things, it could include multiple things. A Crime Victim's Reparations Fund is a resource that's utilized by our network of programs to support these individuals. That said, the process is lengthy and it can be cumbersome for the people that are using it, especially for individuals who are already navigating all of these previously mentioned things. Many survivors would not be able to navigate it at all or would have, would have significant difficulty if they didn't have somebody to walk them through it and provide support along the way. So these changes in LB757 are an important step towards not tying up or denying requests for assistance that are based on technicalities that often have nothing to do with the need or the validity of the application. They're small, trauma-informed changes that we believe will have a large impact on the process and, and the ability of survivors to access it. As a state, we have to create processes that are accessible for the people that are using them. And currently this process is not a trauma-informed process. Victims need systems set up to support them and because all trauma looks different, they really need systems to allow for flexibility. So for that reason, I urge you to advance this out of committee and I'm happy to answer any questions you might have.

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WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next proponent. Next proponent.

IVY SVOBODA: Good morning, Senator Wayne--

WAYNE: Good morning.

IVY SVOBODA: --and members of the Judiciary Committee. My name is Ivy Svoboda, I-v-y S-v-o-b-o-d-a. I'm the executive director of the Nebraska Alliance of Child Advocacy Centers here testifying in support of LB757 to extend the eligibility timeline for applicants of crime victim reparations funding for children and families who experience child abuse, domestic abuse and sexual assault, ultimately reducing the barrier to access. The Nebraska Alliance of Child Advocacy Centers is the nationally accredited membership organization for the seven child advocacy centers, or CACs, which will serve children and families and the protection system for all 93 counties within our state. We're dedicated to enhancing the response to child abuse. Our CAC members provide trauma-informed services to children and families. We assist with investigations of child abuse and neglect. In 2,000--2021, Nebraska CACs served 7,800 children for a range of reasons from sexual assault to witnessing domestic violence and physical abuse. For those seen at the centers, our CAC advocates made over 30,000 contacts throughout that year. That's 30,000 contacts in which the CAC advocates worked with caregivers to answer questions, offer guidance, provide counseling, crisis assessment, intervention and referrals for mental health, public assistance, protection orders and legal services. Through our national accreditation, the CAC advocates are required to provide education to ensure that families are informed of their rights as crime victims and are required to provide assistance in ensuring access to crime victim compensation. The CVR funding provides an important support to ensure children and families are able to afford services needed for healing and justice and pay fees and bills incurred, due to experiencing crimes. Currently, a victim who is a minor during the time of a crime must apply to the CVR program within two years. Seven-- LB757 would expand the timeline to make survivors eligible to apply on or before their 22nd birthday or within three years of their death. It would provide for minors at the time, adopting trauma informed best practices. There is no statutory limit on prosecuting child sexual assault cases. This lines up with research that shows that most people who experience sexual abuse in childhood do not disclose until well into adulthood. LB757 creates consistency through the CVR program to ensure that minors are provided a timeline for applicants more compatible with the prosecution timeline. Thank

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you, Senator DeBoer, for introducing this important bill [INAUDIBLE] respectfully.

WAYNE: Any questions from the committee? Seeing none, thank you for being here today. Next proponent.

ANNE BOATRIGHT: Good morning, Chairperson Wayne and members of the Judiciary. My name is Anne Boatright, A-n-n-e B-o-a-t-r-i-g-h-t, and I am the-- a registered nurse and the State Forensic Nursing Coordinator, Sexual Assault Payment Program administrator for the Nebraska Attorney General's Office. I appear today on behalf of the Attorney General's Office in support of LB570-- or LB757, excuse me. As the State Forensic Nursing Coordinator and Sexual Assault Payment Program administrator, I set best practice standards around sexual assault, domestic violence, sex trafficking and child abuse/neglect. I also serve on the Crime Victim Reparations Board Committee as a public member who has expertise working with victims of crime. In the last fiscal year, our Sexual Assault Payment Program reimbursed hospitals and CACs for 1,467 medical exams statewide; 988 of these were on children aged 0-12-- or I'm sorry. Nine-- 988 of these examinations were medical exams for children, 588 occurred on children between the ages of 0-12, and 400 on ages 13-17. Currently, the reporting window to law enforcement is 72 hours for crime victim reparation claims, while our acute sexual assault examinations with evidence collection are performed up to 120 hours after a sexual assault. Our evidence collection standards have been in place since our creation of the Standard Sexual Assault Kit, which was enacted in 2017. LB757 aligns that state law with best practice standards. LB757 also allows children of sexual assault the opportunity to file a claim for three years after the age-- they reach the age of majority. We know that the need for mental health services goes beyond the existing time frame for a reported crime, and the impact of these acts act-- as-- acts act a lifetime. I have seen firsthand parents who have been informed of their CVR eligibility just beyond the two-year requirement to receive reimbursement for mental health services for their child. This legislation supports victims by allowing them the time they need to process the true needs they have and act accordingly. We invest in the outcomes of our fellow Nebraskans, giving them the opportunity to move beyond victimization in these long-term cases. These crimes are ones that I hope no one must ever experience, but we must, but we must support the people that are forced to walk along this path. I respectfully request that you advance LB757 to General File and thank you and I'd welcome any questions you may have.

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WAYNE: Any questions from the committee?

HOLDCROFT: Yes

WAYNE: Senator Holdcroft.

HOLDCROFT: Thank you, Chairman Wayne. Thank you for your testimony.

ANNE BOATRIGHT: Yes.

HOLDCROFT: I noticed in one of the handouts, it says the maximum award per incident is \$25,000. Is that correct?

ANNE BOATRIGHT: That is correct.

HOLDCROFT: Is that adequate? Have you seen? I mean, is it-- should we be putting more into this fund?

ANNE BOATRIGHT: So I will tell you that \$25,000 to cover mental health services, medical costs and everything, I, I don't think is really, truly adequate, but I also understand that there has to be limits on fiscal impact. And so we do what we can to support victims with the funds that we have. So I think that it would be a good idea and it would be in line with national best practice to increase those amount funds.

HOLDCROFT: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

ANNE BOATRIGHT: Thank you so much.

WAYNE: Next proponent. Next proponent. Any opponents? Any opponents? Anybody testifying in neutral capacity? For the record, we received five letters of support. Senator DeBoer, you may close.

DeBOER: Thank you, Senator Wayne, and thank you all for this hearing. I just wanted to be crystal clear that there are basically three discrete changes that this makes to the CVR program. I realize I didn't list them my intro. So the first is it allows and-- as you've heard, minors to apply to the fund up to two years after achieving majority. Right now, if you have a minor who gets assaulted, say, as a five year old, and nobody can detect that or realize that or understand that because they're not able to communicate it, then by

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the time they're seven, their ability to apply for the fund is gone. Whereas if they discover it and can report it at eight, now they can apply for the fund. So that means that if they need care, in terms of-- probably not immediate medical care in that situation, but mental healthcare and those kinds of things, they're just not eligible to get any funds from the fund, which kind of goes against the whole purpose of it. And then moving, as you heard Ms. Boatright say, moving from three days to five days for the initial reporting and that is because it turns out that we can do those forensics kits for five days, so that will match with that. And then allowing a good cause exception, because there are extraordinary circumstances from time to time that would allow someone to, maybe two years and one day, apply to the, to the fund and this would allow the hearing officer to say, okay, there's a reason why you didn't apply to this and now you have. And in this case, we understand that and we're going to understand that we're going to allow it in this case. It still keeps the discretion with the hearing officer, but it allows for that exception so that they're not just statutorily cut off without any ability to kind of figure out what the right thing to do is. So those are the three changes that this makes to the CVR fund. And, you know, I brought this bill not just because of the LR. I brought this bill because I was told the story of a little girl who was assaulted by her stepfather and-- repeatedly. And her father, her birth father, found out and they applied and it was literally, two years and one day. So we can do better than that. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. And that will close on LB757 and we will open the hearing on LB760. Welcome back, Senator DeBoer.

DeBOER: Thank you, Senator Wayne. Good morning again, Chair Wayne and members of the Judiciary Committee. I feel like I was just here. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent District 10 in northwest Omaha. I'm here today to introduce to you LB760, which instructs the Nebraska Crime Commission to create a grant program for victim advocate training. Victim advocates serve a vital role. They help victims get assistance, whether it be medical assistance, housing help, resources, or just being someone who's on their side during the stressful criminal justice process. If a victim feels supported, helped and heard, they are much more likely to work with the county attorney's office in the prosecution of the crime. Depending on the county, there might be a victim advocate on staff in either the police department or in the county attorney's office, or maybe both. However, in our small counties, this role falls on a police officer or a county

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attorney who may have no training on victim advocacy and this can result in victims deciding to no longer cooperate with the investigation or the court case. That's why in 2011, Creighton University using funding available to them from the DOJ Office of Victims of Crime created the Nebraska Victim Assistance Academy, or NEVAA. For some background on what NEVAA is, NEVAA is a 5-day, 40-hour accredited training academy tailored to the needs of Nebraska's victim advocates and allied professionals. NEVAA is approved for 40 hours of continuing law enforcement units or continuing education units for social work, mental health providers, or other behavioral health specialists and lawyers. The federal funds that supported NEVAA in its original form ran out in 2014. In 2015, they ran the program at Creighton without any funding, then received federal funding in 2016 to 2018, which ran out again. And Creighton operated NEVAA without any funds directly supporting this important training in 2019 to 2021, at which point they had to stop hosting the training. The University of Nebraska Omaha took over administering the program and the Crime Commission was able to use leftover federal VOCA dollars to help support it. This support was especially helpful as it provided reimbursement payments for attendees who had to travel across the state to access the training so we can get it to other parts of the state as well. As the training is a week-long training, being able to pay for a hotel is a must for those who are attending who do not live in the metro areas. Unfortunately, those VOCA dollars are no longer available to support this training. That's why I introduce LB760. I firmly believe we need to be sure we are properly supporting victims in Nebraska any way we can, and that includes ensuring a workforce that is trained to work with the victims in the best way possible. So whether the training is done by NEVAA or another entity that provides such training meeting the qualifications of LB6-- LB760, we need to support our victim advocates and victims with the state investment in a training program. Dr. Tara Richards, who currently coordinates NEVAA, is here to testify and can provide more information on the background of NEVAA and how it currently operates. Importantly, she will stress the importance of sustained funding for this training, and she, along with others, can also speak to the importance generally of having properly trained victim advocates across the entire state. So thank you for your time and I'm happy to answer any questions you may have and urge you to advance LB760 to General File. This is maybe too much information, but I will tell you I have had a victim advocate before and it made an incredible difference with the process for me and working with the police officers and the prosecution.

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GEIST: Just a quick question.

WAYNE: Senator Geist.

GEIST: And just a quick question to clarify, so the \$50,000 grant would come from the General, from the General-- I'm reading it right here, forget it, I answered my own question. Thank you.

DeBOER: Yes.

GEIST: Yes. Thank you.

WAYNE: Any other questions from the committee? Senator Ibach.

IBACH: Thank you, Mr. Chairman. My question goes to the \$50,000 as well. Do you think that's enough? I mean, what--

DeBOER: I think that someone behind me can answer that better. Dr. Tara.

IBACH: OK.

DeBOER: But, but I believe that's why we asked for that amount because that it was supposed to be enough.

IBACH: OK. Thank you.

WAYNE: Any other questions? Seeing none, thank you for being here. First proponent. First proponent.

TARA RICHARDS: Good morning, Chairman Wayne and members of the committee. My name is Dr. Tara Richards and I'm associate professor in the School of Criminology and Criminal Justice at the University of Nebraska Omaha. That's T-a-r-a R-i-c-h-a-r-d-s. But please know, this is my testimony and I'm not testifying on behalf of the Nebraska-- University of Nebraska system or the University of Nebraska Omaha. Thank you for allowing me to testify in support of LB760. As noted by the senator, victim-service providers and allied professionals work in a variety of settings, both state agencies and other community and faith-based organizations. The increasingly complex needs of crime victims demand more coordinated and multidisciplinary approaches to training these victim-serving professionals. The passage of LB760 would establish sustained funding for the Nebraska Victim Assistance Academy, Nebraska's only accredited statewide training, tailored specifically to the needs of Nebraska's victim-serving professionals.

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I have the privilege of leading the steering committee and coordinating this training so please allow me to tell you a little bit about our state's academy. Local instructors present the latest research, state legislation, and practical resources to provide continuing professional development to those serving victims of crime in our state. For example, the curriculum includes fundamental education on ethics and trauma-informed communication, as well as ever-changing topics such as human trafficking and cybercrimes. We also discuss the effects of legislative changes on victims, such as the impact of LB320, which expanded eviction protections for domestic violence survivors. As noted, our rigorous curriculum has been approved for continuing education units for many service providers from law enforcement officers to victim advocates. But we cannot provide this training without consistent and sustained funding, and that has been a journey. Using a fee-for-service model would put the academy out of reach for most of our smaller agencies. And as noted, most rural providers really need additional financial support to travel to the academy. We do not want the academy to become a training that's only accessible to our metro areas because the academy really is an opportunity for professionals from across different types of agencies, from the most rural jurisdiction to the most urban jurisdiction to work together to learn from each other and build their community of practice. The professional networks that are built in the academy can provide critical support to Nebraska's helping professionals who are in fields that have some of the highest rates of compassion, fatigue, burnout, and turnover. This really is a workforce development issue because we cannot afford to lose these folks from these positions. They are so important in the work they do. In sum, I am in support of LB760 because it would provide that state-- sustained funding for Nebraska's only accredited statewide training for victim-service professionals. These folks really are some of the most dedicated and hardworking professionals in our state, and they deserve the best preparation and training. I urge the committee's favorable support and I'm happy to answer questions. Thanks.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

TARA RICHARDS: Thank you.

WAYNE: Next proponent. Next proponent. Next proponent. Welcome.

NATALIA TU: Thank you. Chairman Wayne and members of the Judiciary Committee, my name is Natalia Tu, N-a-t-a-l-i-a T-u, and I am the

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research and policy associate at the Women's Fund of Omaha. As you heard earlier, we are committed to advancing gender equity, and that includes working toward freedom from gender-based violence for all Nebraskans. So domestic violence, sexual assault, human trafficking. And we understand how vital comprehensive training is in this line of work to ensure that all systems professionals and advocates who work closely with survivors in our state have a coordinated, multidisciplinary, and, most importantly, trauma-informed approach. As such, we offer our support for LB760, a bill that will help ensure the sustainability of critical training programs in our states. So, as Dr. Richards outlined, each year, the Nebraska Victim Assistance Academy, or NEVAA, provides 40 hours of training to a very diverse group of attendees from across the state. So this includes family advocates from child advocacy centers, domestic violence advocates, victim witness advocates, and, of course, law enforcement and therapists as well. It's a preapproved A-level training, and it's also the only one in our city that offers this certification. But beyond certifications, certifications, NEVAA provides a broad and rigorous core curriculum that covers issues of domestic violence, child maltreatment, and human trafficking. And attendees learn how to best support survivors and victims in a trauma-informed and culturally sensitive manner. This training is taught by local professionals. In fact, one of our colleagues, Nick Nadina, who couldn't be here today, has been one of the trainers since NEVAA's inception in 2013. And we know that this is particularly helpful for all attendees to attend because there's a foundational training that is set and can provide consistent support and services to survivors no matter what the professional or who they are affiliated with. And then beyond this foundational education, we know that NEVAA helps foster a community among professionals in this field. It's important for folks to have the opportunity to meet one another to help improve their understanding of each person's respective roles within the system. And this can be helpful later on for referrals, or if there are coordinated efforts that need, need to be made in regard to cases. And most importantly, it's important that folks have a space to come together, learn from each other. We know that systems professionals suffer from secondary trauma and burnout, and it's important to have that community. So funding for this program would mean investing in the professional development of these-- those working most closely with victims in our state and we urge you to support LB670 [SIC--LB760] to support the professionals in our state who or doing some of the most difficult and critical work. Thank you.

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WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here today. Next proponent.

CHRISTON MacTAGGART: Hello again.

WAYNE: Hello.

CHRISTON MacTAGGART: My name is Christon MacTaggart, C-h-r-i-s-t-o-n, last name M-a-c-T-a-g-g-a-r-t. I'm here testifying in support of LB760 on behalf of the Nebraska Coalition and our network of 20 direct service programs across the state. I won't-- you've heard a lot about the benefits of the Nebraska Victim Assistance Academy and why it should be in place so I won't belabor those points for you. You have my testimony in front of you. What I will say, though, is that as a victim service provider network, we know how important it is to have a consistent and a trauma-centered response when we are working with individuals. And the majority of victim-serving networks across the state, and we are not the only one, obviously, but the majority of those networks outside of ours actually don't necessarily have standardized training or a backbone organization that's able to provide it. So the Nebraska Victim Assistance Academy meets this need for those networks, including those that are directly supporting victims of crime in our criminal system and our legal systems. It's crucial for the training to continue, and it's also really crucial for victim-service programs to be able to easily access it, which without these funds will not, will not necessarily happen or will not be accessible for them. So we would, we support this bill, we would ask you to advance LB760 out of committee. I would also share that I was-- I've been a past trainer for the Nebraska Victim Assistance Academy. I was also on the steering committee when it was originally created so I've been part of this process for a very long time. I'm happy to answer any questions that you might have about it.

WAYNE: Any questions from the committee? Senator Ibach.

IBACH: I just have one for you. How many, how many folks do you have in place across the state that actually participate in the program?

CHRISTON MacTAGGART: So we-- our-- do you mean with our network specifically?

IBACH: Um-hum. Yes.

CHRISTON MacTAGGART: So our network of 20 programs, we have a mandatory 40-hour training that our organization provides as the

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backbone organization that they are required to go through. It's 40 hours. Some of it's virtual, some of it's in-person. However, a number of our advocates also go through this because it has a criminal lens and they do, they do lots of legal advocacy. And they-- it also allows them to network with other victim-service providers outside of our network, which they work with daily. So it's also really important. So I don't know the exact numbers of how many people from our network specifically attend. I would say generally for most academies they have around 50 people or so that go through it each year that, again, are from all different areas of the state.

IBACH: And it, like you said, it is virtual and in-person?

CHRISTON MacTAGGART: So NEVAA is in-person.

IBACH: OK.

CHRISTON MacTAGGART: Our-- when I was talking about-- we have a separate training that folks are required to go through that 40 hours that are just for the advocates in our network. But then, in addition, a lot of them also go through NEVAA for the, the reasons I mentioned. NEVAA is an in-person training. That in-person piece I do think is really important. We'll never move our training to completely virtual format because the ability to network and connect with other folks is just you can't really replace that, I think, so NEVAA an in-person training. I, I-- they do have a portion of it, I believe, since, since COVID that is service and Dr. Richards would be the better person to answer this so I'm happy to get you this information afterwards. But they do have a portion of it that folks go through ahead of time that is virtual and then they do the in-person training. So that was confusing because as I was talking about it, I remembered that they actually have a virtual version to it so I apologize for that.

IBACH: OK. Thank you very much. Thank you, Chair Wayne.

WAYNE: Senator Geist.

GEIST: So-- just so I'm clear, it's 40 hours of training to start--

CHRISTON MacTAGGART: Um-hum.

GEIST: --and then ongoing. How, how does that look annually?

CHRISTON MacTAGGART: So that is a good question. They're-- NEVAA also does provide some continuing education pieces. Historically, they have

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done that so they'll do everything from something that's a couple of hours or maybe a day, and then they will provide some continuing education also. I sometimes think that with as many virtual training, some of that continuing education is a little bit easier to access than that really core foundation training that folks need to know when they are really starting or digging into this course.

GEIST: But this-- what we're specifically talking about is just the 40 hours mandatory?

CHRISTON MacTAGGART: The 40-hour foundation training. Correct.

GEIST: OK.

CHRISTON MacTAGGART: Yeah.

GEIST: Thank you.

WAYNE: Any other questions? Seeing none, thank you for being here.

CHRISTON MacTAGGART: Thanks.

WAYNE: Next proponent. Proponent. Any opponents? Any opponents? Anybody testifying in the neutral capacity? Welcome back. We have four letters of support for the record.

DeBOER: Thank you very much. I've got a couple of answers to some questions I heard. One is that it's entirely in-person, there's no online portion. That happened, I guess, a portion of that during just COVID itself. During that time, they had a portion that was online. But this is a completely in-person training, and it happens over 40 hours, like I said, it's kind of all at once. And it is-- \$50,000 is the amount that will put us in line with Kansas and Iowa. So that's why it's \$50,000. That's the amount that they have. Trying to think of any other questions that you all had. I know I'm forgetting something here, but if you can think of a question that I haven't answered, then I will answer it.

WAYNE: Any questions from the committee?

DeBOER: OK. Thank you.

WAYNE: With that, that'll close the hearing on LB760 and close this morning's hearings.

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WAYNE: Good afternoon and welcome to the Judiciary Committee. My name is Senator Justin Wayne. I represent Legislative District 13, which is north Omaha and northeast Douglas County, and I serve as Chair of Judiciary Committee. We will start off by having members do-- have committee and committee staff do self-introductions, starting with my right, Senator Ibach.

IBACH: Thank you, Mr. Chairman. I'm Teresa Ibach, from District 44, which is eight counties in southwest Nebraska.

JOSH HENNINGSSEN: Josh Henningsen, committee legal counsel.

ANGENITA PIERRE-LOUIS: Angenita Pierre-Louis, committee clerk.

BLOOD: Good afternoon. Senator Carol Blood, representing Bellevue and Papillion, Nebraska.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

DeKAY: Barry DeKay. District 40, representing Holt, Knox, Cedar, Antelope, northern part of Pierce and most of Dixon County.

WAYNE: Also assisting us are our committee pages, Logan Brtek, from Norfolk, who is a political science and criminology major at UNL; and Isabelle Kolb, who is from Omaha, a political science and pre-law major at UNL. This afternoon, will be hearing for bills in the order that will be taken up, listed outside. On the table in the back of the room, you'll find blue testifiers sheets. If you are planning to testify today, please fill out and hand one to the page, who will come up and make sure we have accurate records for our hearing. If you do not wish to testify but would like to go on record to record your presence at the hearing and your position on a bill, please fill out the gold sheet in the back of the room. I would also note, it's the Legislature's policy that all letters of record must be received by the committee by noon the prior day at the hearing. If you have any handouts, please hand them to the page. We'll make sure that there's enough copies for the committee. Testimony for each bill will begin with the introducer's opening statement, followed by the supporters of the bill, then opposition of the bill, poll-- followed by people speaking in a neutral capacity are do serve. The bill will then have an opportunity to make a closing statement if he or she wishes to do so. We ask that you begin your testimony by spelling your first and last name so we can have an accurate record. We will be using the three-minute light system today. When you begin your testimony, the

light on the table will turn green, then the yellow light will be one-minute warning; and the red light, we'll ask you to wrap up your final thoughts. I would like to remind everyone, including senators, to please turn off your cell phones or put them on vibrate. We will begin today's hearing with LB482. Welcome to your Judiciary Committee.

RAYBOULD: Good afternoon. Chair Wayne and members of the Judiciary Committee. My name is Jane Raybould, spelled J-a-n-e and the last name is R-a-y-b-o-u-l-d, and I am here to introduce LB482, the Suicide Risk Protection Order. First of all, I want to thank the tremendous input that I have had from law enforcement. I know that we can make this legislative bill better, and I know with their continued help and support we will do that. I also want to thank all the people in attendance, especially those whose lives have been touched by the loss of a loved one to suicide. Such a loss is a heartbreaking and gut-wrenching tragedy. I will be waiving closing remarks today as I have to catch a plane to visit my new grandbaby. But I do have staff available to take down any questions, and we can respond in writing. I want to point out the obvious, that I'm not an attorney. I'm not a social worker, nor am I a firearms expert. I am an elected official for the last 12 years and a community member, like all of you, who has witnessed an alarming and horrific increase in firearm violence in our country and state. With that trend, we are also seeing an increase in suicides in our state with firearms. One would think that the urban areas would be the ones with the greater incidence of suicides by firearm, but the reality is that the rural areas are experiencing a higher number of suicides per capita. I'm going to share several statistics with you and discuss the bill, but first I wanted to share with you why this issue matters to me. I know firsthand that families who lose someone to suicide spend the rest of their lives wondering what should they have done, what signs did they miss, and why weren't they there with their loved one to help them get through the crisis. Families search the rest of their lives for closure as they struggle with the painful loss of never having had the opportunity to say goodbye while holding onto the hope that their intervention could have changed the outcome. I was a resident advisor at Indiana University while I was in graduate school. I had been a resident advisor as an undergrad at Creighton University. We had limited training at both universities on what to do if a resident needed help beyond our scope of counseling and who to contact to assist us and the resident. One of my freshman residents, Doug, committed suicide by hanging. Two residents had mentioned to me earlier that they hadn't seen Doug come down for meal service or go to class. I said I would check on him.

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What I saw haunts me to this day. I immediately contacted campus police and campus ministry and stayed with Doug until they arrived. Doug left no suicide note. I later learned that this impulsive act was triggered by a breakup with his girlfriend and a rejection notice to transfer to his lifelong dream of attending VMI, Virginia Military Institute. One of the hardest things I have ever had to do was to console his parents and try to help them piece together the why. There is no closure. I still ask myself, what could I have done? What signs and signals did I miss that led to the loss of this young man's life? I have a tremendous respect for our first responders and those here today and how they work through the traumas they have witnessed in the course of their service. The United States does not have higher incidences of mental health issues than any other country in the world. We are actually listed lower than several other countries, with Australia surprisingly leading the pack. What we do have is a crisis in the lack of mental health therapists and facilities. Some of those here today will testify that this is a deterioration of the family structure and societal supports that are causing the suicide-- suicides by firearm. But the logical, commonsense data shows that it is the easy availability and access to firearms. We have witnessed the following recent awful events that occurred in Nebraska that this legislation might have prevented. If it couldn't have prevented the tragedy, it could have given law enforcement more tools, in cooperation with the judicial branch, to intercede and save lives. Now here are some statistics that you've been patiently waiting to hear. In 2020 Nebraska's suicide rate was 14.9 per 100,000 people, and that's higher than the national rate of 13.48 per 100,000 people. In 2020, there were 139 gun-related suicides in Nebraska that profoundly impacted the lives of all those around them. Let's be clear, suicide rates are increasing. From 2000 through 2018, rural suicide rates were higher than urban suicide rates. Rural suicide rates increased 48 percent, compared to 34 percent in urban areas. Firearms were the leading method in both rural and urban areas among males. In Lincoln, there were 34 suicides in 2021, where 49 percent were completed by firearms among males. With women, the use of firearms was listed at 16.7 percent. Mass shootings, in which four or more people were killed or injured in the U.S., are on the rise: from 417 shootings in 2019 to 610 in 2020 to 680 in 2021. So far this year, there have been 40 mass shootings with over 77 individuals killed, including the gunman. So here's some-- a snapshot of some of the most recent incidences in Nebraska. January 4, 2023, a Lincoln woman fired a gun inside her home with two small children. The woman held the gun to her chin, threatening suicide, before she fired the gun at the ceiling. January

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29, 2023, a 35-year-old man threatened his family with a shotgun before law enforcement arrived and disarmed him. And we are all very well familiar with January 31, 2023: Active shooter was killed inside the Target store in Omaha. Thankfully, OPD responded quickly and no one besides the shooter was killed. The shooter's uncle said on the news that they had repeatedly warned law enforcement that something like this would happen. Law enforcement and family members had taken away the man's gun, but again, they had no legal authority to do so and had to return the weapons to the young man. LB482 could have prevented this tragedy. Time and time again, family members have raised concerns about a family member struggling with mental health issues or domestic violence. This legislation would allow families to work with law enforcement and the-- and the courts to safeguard any weapons until such time as their loved one undergoes the court-ordered treatment or counseling they need to be restored to health and is able to request a termination of this order. This legislation gives law enforcement the tools to file, report and remove firearms for those posing a threat to themselves or others. Laws like LB482, have been enacted in 19 states already, such as Washington, Oregon, Connecticut, Massachusetts, Delaware, Rhode Island, D.C., Colorado, Illinois, Indiana, etcetera, and even in Florida. Case laws shows that these laws have and will continue to withstand due process challenges and appeals in the face of constitutional due process challenges. A Duke University study of Connecticut's first in the nation to adopt a similar law in 1999 estimated that for every 20 surrender orders, a life from a potential suicide is saved. As I have stated, I am not an attorney but will try to summarize the essential elements of the legislation. There are two ways a suicide risk protection order may be issued, one with prior notice and one without. In both cases, the family member in concern, is also called the respondent, has an evidentiary hearing with due process and a complete and full opportunity to refute the evidence presented. The judge determines the length of removal and renewal of the term if necessary, as well as referrals to appropriate resources, including mental health, domestic violence and counseling resources. No fees will be charged for this order. Any person filing this petition, knowing the information to be materially false, shall be guilty of a Class III misdemeanor. The order also requires notification to the state and federal computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms for as long as the order is in force. Law enforcement can still use emergency protective custody, or EPC, if needed. I want to emphasize that: that this does not interfere or impact law enforcement orders and initiatives to engage in EPC for

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an individual experiencing a mental health trauma. This past Monday, the Kim Foundation, a statewide organization focused on suicide prevention, released their 47-page document with DHHS and the Nebraska State Suicide Prevention Coalition on guidelines to help communities form coalitions and identify action steps that they can take to prevent suicide. We are also so fortunate to have the 988 National Suicide Crisis Lifeline, manned and run by Boys Town here in Nebraska. I know some people will testify that we are taking away their guns. By working together, raising awareness and giving families and law enforcement additional tools like this legislation, we are keeping our loved one from taking their own life. I can think of no greater service to our community as elected officials than public safety. I want to thank law enforcement for their input and feedback so we can make this bill better, and I ask the Judiciary Community [SIC] to please support this legislation. So thank you again. Thank you all for your time.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

RAYBOULD: Thank you.

JOSEPHINE LITWINOWICZ: Hi. I just want to remind everybody why I popped up first, because the [INAUDIBLE]. Anyway, my name is Josephine Litwinowicz. J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. Could-- could you restart the light? [INAUDIBLE] Oh, I have a very strong connection with suicide. I was-- I attempt-- well, I made a suicide attempt in 20-- 2000, probably because of issues of my identity. But nevertheless, I took adequate means, used adequate means and I didn't try to be found, and it was spontaneous. And that-- that's very common because I was at the point I walked in, I was at-- in my parents house at the time because I was having a problem. And so I saw-- I saw the bottle of pills. It was a full bottle, maybe 90-day supply. I don't know. I took them and then I went to bed. And then something my mom never did is that she actually opened the door and she looked down and said-- and said-- kind of woke-- woke me up. It just happened. She said, did you take these? And I was kind of groggy and I said yes, and so I went to the hospital. And so that's why I didn't-- I didn't-- it was late. I didn't try to be found. She wouldn't do that. I used adequate means, what was in there, I was told. And-- and so that's a problem. I knew a friend whose mom killed herself with a gun, when he was like four or five years old, in front of him. And-- and so it's a problem among trans youth. It's 40 percent higher than other people. And I wonder how many of these kids were trans youth. But anyway, so

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guns, I won't own one because I'd use it on myself. And it is spontaneous and, you know, so I support this bill because, you know, the spontaneity of myself and because when I get to that point-- there's a good book on suicide, too, called When-- by Kay Redfield Jamison. It's called-- anyway, Kay Redfield Jamison, and that's it.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

JOSEPHINE LITWINOWICZ: Thank you.

WAYNE: Next proponent. Welcome.

MARY STEINER: Thank you. Good afternoon. I'm Mary Steiner. My name is spelled M-a-r-y S-t-e-i-n-e-r. I'm from Chapman, located in Merrick County. Nebraska, one of those rural counties. I'm here with my husband, Eric, to testify as a survivor of our son's suicide on November 28, 2020. Richard, forever 31 years old, was a son, brother, uncle and friend. He suffered from bipolar depression. That was diagnosed. It wasn't just a guess. It's-- bipolar depression is a severe, persistent mental illness that has a 20 percent rate of suicide among those who are not receiving treatment. In July 2020, Richard experienced a mental health crisis. Law enforcement officers in Merrick County confiscated our son's firearms. These officers took Richard to a mental health treatment facility in Kearney for evaluation. Less than one week later, the facility discharged Richard to access the resources in the community. Sadly, Richard made the decision to stop taking med-- his medications and not continue receiving therapy. Richard's state of mind, back up. I vividly recall one afternoon my son was in our driveway and he looked at me and he-- with tears in his eyes and he said, Mom, just let me go. And I said, I can't, I love you too much. So Richard's state of mind and noncompliance prompted me to meet with the Merrick County Sheriff to ask him to please not return Richard's guns to him. The sheriff agreed Richard should not have his guns. He should not have access to those guns, but he would have to confer with the county attorney. It was the determination of the county attorney that the sheriff legally had to return Richard's guns to him if he asked for them. However, the sheriff did tell me that Richard was going to have to provide proof of ownership in order to get the guns back. And Richard's state of mind at that time was so scattered, my only hope was he wasn't going to be able to find those, those documents. Richard shattered that hope when I saw him retrieve his gun in front of my husband, our two young granddaughters and me when we were eating dinner. Over a year later,

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after Richard's death, one of the county deputies who had responded to Richard's suicide came up to me and he said, I've really been struggling with guilt because I'm the one who returned Richard's guns to him. He said, but I had no choice, I had to give them back to him. So I told this young man, you are not at fault for my son's death. I blame the death of my son on the lack of a law in Nebraska to protect mentally ill persons from having access to their firearms when they pose a threat to themselves and/or others.

WAYNE: Ma'am, ma'am--

MARY STEINER: Had there been such a law--

WAYNE: Ma'am, I'm going to have to ask you to stop with the red light on. Any questions from the committee. Senator DeBoer.

DeBOER: You were going to say, had there been such a law-- could you finish that statement?

MARY STEINER: Had there been such a law, it would have required the legal system to respond to the concerns I voiced to the sheriff by convening a group of mental health and legal experts, including petitioning family members, to weigh in on whether the sheriff should return Richard's guns.

DeBOER: Thank you.

WAYNE: Senator Blood.

BLOOD: Thank you, sir. Wayne. Thank you for sharing your story over and over and over again. I know it doesn't get any easier, and I just want to commend you bravery for doing that on behalf of your son. I have a question, and the reason I ask this question is because, for those against the bill, they've brought up the same issue over and over again. It was mental health services. Can you kind of walk me through if you felt that there were ample mental health services and help for your son, as far as his mental health goes, in your part of the state?

MARY STEINER: We're just east of Grand Island, so there is Heartland Community Health Center that's there, and I know that for a brief period of time he went there. Adequate? No. No.

BLOOD: I just think it's important that we bring that up whenever we have an opportunity, because we do have issues like this when it comes

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to mental health in Nebraska, and we by far do not have the help these people need. It's very rare when they stay more than one week in hospitals when we have an emergency situation, and often that's with the promise of they'll take new medication. And of course, as you know, that doesn't usually happen. So I appreciate you sharing your story. Thank you.

MARY STEINER: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here today. Next proponent. Next proponent. Welcome.

MELODY VACCARO: Hi. My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o, and I'm here representing Nebraskans Against Gun Violence. And I wanted to again-- we did this on a bill earlier this session-- but talk again about the suicide numbers. I did do a little more research on age-adjusted rate. I know that was a question that came up last time of what-- why those rates are different. So you can see they run in parallel, that suicide numbers are increasing across all methods in Nebraska, including firearms, and the age-adjusted rate is going along with it. One thing I wanted to clear up is that age-adjusted rate accounts for the fact that some people in a population group were likely to die anyway of like old age. And so it's a way to account for that, to say, you know, some pe-- so that's why you'll see a-- that's why you'll see one number. If you just did it with the straight population, those numbers would generally be higher, the impact. And I also included a resource from-- that's directed at families from the Nebraska Suicide Prevention group. This is-- this one's a little bit dated, but that's what's on their site. It doesn't have the new suicide prevention number. But, you know, you'll see in most suicide prevention resources, the first step in suicide prevention is removing and locking all firearms. And ideally, that can be done-- you know, that can be done at the family level. That's happened in-- you know, in my own family. We were worried about somebody. We were able to get them to agree that their firearm should be moved to someone else's home during a period where there was some real concern. The trouble, of course, is, if that person doesn't agree, it does create danger. It creates danger for themselves, for their children, for their families, and for the broader community. And so as we're discussing this issue, I just want to keep bringing it back to there has to be a solution to get guns out of hot situations. And, you know, this is definitely a job of policymakers to think about, if it has-- if the family can't do it for a variety of reasons, what do we as a society do next? And it can't be-- the answer just

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can't be to continue to let violence perpetuate. We-- there are better tools on the table, and protection orders are a great way in an already established framework to work through some of those really hard legal questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here today.

MELODY VACCARO: Thank you.

WAYNE: And thank you for actually following up and answering those questions about-- just appreciate it.

MELODY VACCARO: Oh, yeah, you're welcome.

WAYNE: Next proponent. Next proponent. OK, then seeing no more proponents, we will move to opponents, first opponent.

LIBERTY SCHINZING: My name is Liberty Schinzing, L-i-b-e-r-t-y S-c-h-i-n-z-i-n-g. I'm here today to oppose because when I was living with an individual, my ex-husband, who started talking about how he wanted to die, he talked often about how he wished that I would mess with his car so that he would die, I-- we didn't have guns, but I didn't need his guns removed, if he were to have had them. I needed him to get help. I was constantly living with this person who wanted to die, and having them take the weapons out of the house wouldn't have helped me. I needed him to get help. What ended up happening was he told me at one point after he got severely stressed that he wanted me to take a gun and shoot our two-year-old son. Was he maybe just upset and it was a wrong thing to say? Maybe. It was the wrong thing to say to me because then I called the cops and I immediately decided that we were not going to spend another night in the same house. I didn't want to get therapy for the abuse that I went through with him because I was afraid it would interfere with me owning a gun. What if I got a PTSD diagnosis? Would that make it so I couldn't get a gun in the future? Could he then turn around and say, hey, she has PTSD? There are so many women who go through abusive situations and they need to go to therapy. They need to get prescription medications to help to recover. But then their abusers can turn around and say, oh, look, she's on medications, oh, look, she's going to therapy, I think that makes her a danger, you know, we should take the guns away from her. This bill would discourage individuals who own guns from reaching out and getting the help that they need. It would discourage women in abusive relationships. An abuser wouldn't even need to have the guns.

He could say, hey, she needs to have her guns taken away. Well, one might think, hey, an abuser could then report her, her guns get taken away, then he can go in and attack her. But abusive individuals, he wouldn't even need to go with and attack her. Just the act of making it so that he could control her and say, hey, look, I didn't even have to touch you, I got the law to take away your guns and now you are not protected from me-- people who are suicidal, they need help, and just taking the gu-- the guns away won't do it. They can go out and buy a toaster. They need help. They don't need the law to come in and just take stuff away from them. That is all I have to say. Thank you so much for your time.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here today. Next opponent. Next opponent. Welcome. Go ahead, sir.

AARON HANSON: Thank you. Honorable Mr. Chairman and members of the Judiciary Committee, my name is Aaron Hanson, A-a-r-o-n H-a-n-s-o-n. I am the sheriff of Douglas County, Nebraska. I'm here to testify in opposition to LB482, although I am in strong support of the underlying concept, that concept being we must find better ways to ensure that the dangerous and dangerously mentally ill do not have the ability to possess and retain firearms. From my perspective, being realistic in this state and knowing that laws such as these, which are typically referred to as a red flag laws, very controversial. Chances are, it is not going to prevent it. I believe what we should do instead is look to improve the processes that we already have in place, the emergency protective custody process and our Board of Mental Health process. I'm going to read an example of something that just happened here recently, which I think will highlight the need to improve those processes and why we need to focus on fixing our existing laws instead of creating new laws. In July of 2021, a gentleman was contacted by law enforcement in Douglas County. He was armed with a baseball bat. He said he wanted to smash people's heads in so the police would shoot him. He was placed in emergency protective custody in an ER. The next month, in August of 2021, again he was suicidal with police in Douglas County. He was voluntarily committed to a mental facility. December of 2021, he called 911 again. He was armed with a knife, said he wanted to kill himself. He was actively armed with a knife upon arrival. He was again EPCed to an ER. A few days later, in December, he tried to drown himself in Carter Lake. He was again placed in the EPC in an ER. On-- later in that same month, December, called 911, said he had suicidal and homicidal ideations, wanted to jump off the 13th floor of his building. He was again EPCed into an ER. Then, in May, he

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threatened the FBI hotline to blow up the FBI. He was EPCed into an ER. in December of 2022, he applied for a handgun purchase permit. My agency called the Board of Mental Health to see if he was prohibited. They had no record of it. We had to give him a permit per law. A few weeks later, in January 2023, he received a PMH order. We don't know where that current situation stands because there's no communication. We need better case management, we need better infrastructure, we need better-- better support from the state, better revenue support for the EPC and PMH processes. Those processes are in place now. I believe we need to fix those processes that we have. I'll take any questions that you might have.

WAYNE: Thank you. Any questions from the committee? Senator Geist.

GEIST: Thank you. Would you explain the-- the EPC process and how long someone is-- is kept when they're brought in?

AARON HANSON: Per state statute, a law enforcement officer or a medical professional has the ability to essentially sign an affidavit which indicates that they believe they have probable cause that the individual is a-- is a danger to themselves or others. That gives law enforcement or a medical professional the ability to place that person into 70-- up to 72-hour protective custody. The fact of the matter is, those people, more often than not, go to an emergency room and emergency rooms want to clear those beds for people that have been shot, stabbed, heart attack, car accident, things like that. Typically, those people are going to move out of those facilities within 24 hours. I believe, again, we need to beef up that interplay between that EPC process and the PMH process. We need to have better infrastructure to place them in, not ERs, because that's not the appropriate place for mental healthcare.

GEIST: So-- but you said it has to be a medical professional or a law enforcement. Can a family member call and have that same action?

AARON HANSON: That is typically the way that these calls start. A family member will call law enforcement.

GEIST: OK.

AARON HANSON: Law enforcement will arrive on scene. They will do the assessment, establish if the facts are present that articulate and justify being placed in emergency protective custody.

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GEIST: So one more question. So if-- I understand if it's medical professional doing that. How-- is law enforcement, and I know this is a broad question, but typically trained enough, do they have the capacity, to evaluate whether this person is mentally ill or how does that work?

AARON HANSON: I'd say a very large portion of law enforcement today is CIT-trained.

GEIST: OK.

AARON HANSON: And we have policies which dictate when you should and should not place someone into emergency protective custody. I think law enforcement is well equipped to make the decision on the emergency protective custody process. The issue is what happens after that handoff. Is the rest of the system ready to take those individuals and assess them and the risk level and their need to be ushered into the Board of Mental Health process?

GEIST: OK. Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being. Welcome to your-- next opponent.

DAVE KENDLE: Chairman Wayne and committee members, thanks for the opportunity to testify here today. My name is Dave Kendle, D-a-v-e K-e-n-d-l-e. LB482 is only marginally about suicides. It's a red flag gun law, pure and simple. It is former-State Senator Adam Morfeld's failed red flag bill, LB58, introduced in 2019, copied, word for word, and reintroduced under a new and deceptive name. One can only assume the author resorted to this tactic because they knew red flag gun laws are massively unpopular in this state. That intentional plagiarism and obvious attempt to mislead should be more than enough to disqualify this bill from any further consideration. But if that isn't enough, the fact that it violates the Fourth Amendment's due process clause, the Fourth Amendment's protection from unreasonable search and seizure, and the Second Amendment protection of the right to keep and bear arms, should mean it is sent directly to the trash heap of bad bills filed by anti-gun rights ideologues who are willing to trample upon pretty much any individual right in their drive to accomplish their anti-gun rights goals. This bill allows disgruntled ex-spouses, spouses going through divorce proceedings, couples involved in child custody battles, unmarried couples going through breakups, estranged relatives, alienated friends, upset roommates, overzealous police

officers, and pretty much anyone else to legally swat someone they don't like or have a grudge against. If the target of that legal swatting happens to survive the incident, they have no legal recourse against the accusers and the system that allowed it to happen, and the full cost of regaining their rights and the property-- and the-- and their property that they were never aware they were about to lose based on allegations they never even-- were never even given an opportunity to defend themselves against, falls on them alone. If committee members believe the war on drugs has been used to target the powerless and minorities in our society, just wait and see how a law like this will be used to destroy those very same communities. This is a bad bill. It would create a situation ripe for abuse, generate dangerous confrontations, and accomplish absolutely nothing whatsoever to benefit anyone. I ask that the committee stop this bill here and now and never allow it to advance to the floor. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here today. Next opponent. Welcome.

RANDY BENDORF: Thank you. Hi. Thanks for your time today. I appreciate it. My name is Randy Bendorf, B-e-n-d-o-r-f. I prepared some empirically driven, unbiased research-- was, believe me, very hard to find. Once you look at who gives people the money and what their statistics formulas are, they're pretty tilted. I'd like to provide some personal experience first before I get into any of that, if there's time, with a former spouse and her methamphetamines addiction, which was very brutal. But you get married for better or worse, right? So we pushed it as far as it would go. So I'll tell you up-front, she vowed to destroy me, promising to get me. It seemed like anybody that wanted to help her, she wanted to get back at. She knew I was a wealth management advisor, of course-- we were married-- and any slight braking or any of those infractions that go on your record, you-- you lose your licenses, you lose your law-- job just like a physician would. If she had red flag laws available, she would certainly have used them against me and I wouldn't-- wouldn't be surprised, if this passes, that she would use that against me still to this day, after 20 years. Quite often, we speak of domestic violence in a one-sided-- it's female-only victims. But please consider it can happen to men just as well, either party doe-- doesn't really matter, but men can be do-- domestic abuse victims as well. So we had many failed attempts. We had family interventions. I flew people in from out of town, parts of our family. We had multiple family interventions trying to get her into rehab and get off the-- the crack. Her anger progressively became more violent over time with the meth, which a coworker had introduced

her to, which is absolutely crazy how people get-- get on that stuff just from people at work. She called me one night, wanted me to come over and said she needed to talk. So when I got there, she quickly opened the door and when I walked in, the fireplace was on. Well, it was in the middle of summer. I had my flip-flops on. I thought, just kind of odd. So then here came the surprise. The police officers are at the door, banging, open the door, and she starts yelling, stop hitting me. So I was literally like two leaps from the door, so I opened the door right away and I asked the cops right away, did you hear her going that? [INAUDIBLE] it's a long stairwell up to the second floor. Did you hear any of that? And, you know, look at my hands, I've not-- no-- not touched her. So immediately I went out in the hallway with him. Two other officers went in to talk to her. So the officers let me go. They knew it was a setup. And then talking to her, she was crying at first and then she lost her temper. Her anger came out. So, you know, I've been studying red flag laws for ten years. I-- I promise you, red flag laws such as these can be, and most likely will be, used irresponsibly by adults, just like the gentleman before me. And the load it puts on police officers is horrendous. You know, Florida had over 10,000 of these, so I can't imagine the consequences of all that. So, yeah, any other questions?

WAYNE: Any questions from the committee? Seeing none, thank you for being here today, sir.

RANDY BENDORF: Thank you.

WAYNE: Next opponent.

PATRICIA HARROLD: Good afternoon. My name is Patricia Harrold, P-a-t-r-i-c-i-a H-a-r-r-o-l-d, and I'm proud to be the President of the Nebraska Firearm Owners Association, representing over 26,000 Nebraskans, and we stand unified in opposition to LB482. You will have already heard, and you will hear today, testimony about the numerous issues with this bill, that it's not a suicide prevention bill that is going to be abused by petitioners who face little risk to bearing false witness, that it's-- has huge unconstitutional implications, it tramples civil rights, will endanger the lives of law enforcement. It will disarm citizens who have not committed a crime and yet treat them as such. I had several other statements to make, but I'm going to change my approach. Let's talk about solutions. And as I was sitting here, I was thinking about the fact that many of you probably already know I lost my husband to suicide in 2012, one of the 22 veterans a day who commit suicide. There was no foresight on our part as to what

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he was facing. There would have been no data or evidence I could have presented to-- to use a suicide protection order to attempt to remove the firearms from our home. It would not have saved his life. However, what would have saved his life? What is happening now in the Department of Defense? Let's talk about solutions. Let's talk about a small population, right? The military who serves us now, who face the scourge of suicide, who faced the scourge of domestic violence, who had issues of violence happening between service members and what do they do about it? They created institutional solutions. Training, education, resources, funding. From the time you enter basic training, you are provided information and solutions and resources and a culture that embraces the care and love for our service members, that tells you about all the different options you have to find help, whether it's financial issues that are causing you stress, whether it's anger issues that are happening within your marriage that is causing conflict that makes you wish to possibly harm yourself or harm others. And here's what has happened: domestic violence down 30 percent in the military across all four branches, including the Coast Guard, so I'll add the fifth; 16 percent criminal violence down; and instead of 22 a day, even President Biden stated that we're now at 17 a day. And those are going to continue to occur because so many military members had not yet had the opportunity for what has been a decades-long intervention. It takes funding. It takes time. We used to have Richard Young Center in Omaha, a huge mental health facility. I used to work there and offer training. It's gone. Where do you go? You go to the emergency room. What does emergency room do? Releases you because there's no place for you to go. There's no place for you to go. And if we want to do root cause analysis and focus on the actual things that matter, we need to spend our time on bills that address the root cause. We need to put this in our schools at the youngest of ages so that they can learn to be resilient and ask for help. Thank you.

WAYNE: Any questions from the committee? Senator Geist.

GEIST: Just quickly. I know I'm not supposed to ask questions but--

WAYNE: You can ask questions, all the questions you want.

GEIST: But I have a question. I appreciate what you said. I did not know the military was doing that. How long has that been going on?

PATRICIA HARROLD: It has grown over the last ten years. It has been a product of, obviously, all the data that we've addressed. Congressman Bacon was a huge part of dealing with domestic violence and sexual

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"predatation" within the military, and so the data, the research, and the resources. And so I work at Offutt. I get to see all the incoming airmen who come to fly, all these aircraft that fly. And part of their training not only to do their job is to go to educational seminars that are happening in my building, and they have the most engaging people who are coming, who are presenting excellent data and resources and education and training. The MWR, morale and welfare, organization has expanded; the gym has expanded. There's so many wonderful things going on in the military that I did not have when I was in. I went into the military when it was suck it up and press on.

GEIST: Yeah.

PATRICIA HARROLD: And if I said I was having an issue, I would have lost my clearance, lost my ability to fly, which meant I would not have my job, which is literally why I think my husband passed.

GEIST: Which is-- was going to be my follow up, is that's for the people that are in right now. And so are there any other options, I guess--

PATRICIA HARROLD: Sure.

GEIST: --for people--

PATRICIA HARROLD: Within the Veterans Administration, they're also doing that--

GEIST: And that's available to them as well?

PATRICIA HARROLD: --and they are saving lives as well. And that's why we're-- we're down from 22 to 17.

GEIST: Great.

PATRICIA HARROLD: Yeah.

GEIST: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

PATRICIA HARROLD: Thank you very much for your time.

WAYNE: Next opponent. Welcome.

MATTHEW SCHINZING: Hello. I'm Matthew Schinzing, out of South Sioux City, Nebraska, M-a-t-t-h-e-w S-c-h-i-n-z-i-n-g. And honestly, this is a red flag law. If you've looked at the red flag laws nationwide, the text is basically identical here. So let's take a look at some stats from red flag laws. In Florida, when they introduced it in 2018, it went into effect between then and June of 2022, 8,904 extreme risk protection orders were say-- were sought and 8,757 were granted. That's a 98 percent approval rate. Why? What benefit is there to a judge to try and protect an individual's rights? You normally find out when law enforcement shows up at the door because this bill allows ex parte hearings. That means you can't have a lawyer there for when your property is being seized to document it. You do not have the advance notice to go, oh, I need to remove my accessories that are worth thousands of dollars off those items. And when the hearing is finally granted to you two weeks later and you actually can-- let's say it's grant-- it's removed and you get your items back, you now have to pass a background check, which this bill requires a NICS notification. The NICS system is very well known to have severe issues of false positives. And if you have a false positive, they will leave your background check open for 88 days. At that time, they will close it if it is inconclusive. This bill says you will get your property back in 60 days or the law enforcement agency will dispose of it. That is provided you pass a background check. If there is a clerical issue and you are not cleared for that background check, you lose all your property. You don't get a right to take it and sell it to a gun dealer. We are talking about items at a bare minimum-- entry-level guns, you're talking at least a \$300 investment for anything that is modern and decent. And you can go up to hundreds of thousands of dollars per individual item. That's not counting accessories. You start being a serious hunter, you start looking at night vision, you're talking about individual accessories on the gun in excess of \$2,000 to \$40,000. We are talking not insubstantial amounts of capital here that individuals will have invested in their property that is being removed from them without even their knowledge because this bill allows ex parte hearings so they can't even have a lawyer there. And in this we are violating multiple parts of the Bill of Rights, and you have to pay for every single ounce of your legal defense because this is a civil issue, not a criminal issue. Thank you for your time.

WAYNE: Thank you. Any questions from the committee? Well, I was gonna say, if it costs \$40,000 as an accessory, it better fire and clean wherever I shoot. Just saying.

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MATTHEW SCHINZING: That'd be nice, but, hey, if you don't see that hog coming, that's what it's for.

WAYNE: Next opponent. Next opponent.

NATHAN GRIFFITH: My name is Nathan Griffith, N-a-t-h-a-n G-r-i-f-f-i-t-h. I live in Omaha. I just have one comment. Senator Raybould, in her opening comments, stated that the shooter at the Target had been given his weapons back. There was a news event interviewing the Sarpy County Sheriff and he-- excuse me-- he said that he had maintained and refused to give the weapons back and has also reported on the news that he went to Cabela's and purchased a new firearm, I think four days before the shooting, which shows that he was not-- there was no-- nothing that appeared in the NICS report that would prevent him from buying a firearm. So that was my only comment. Thanks.

WAYNE: OK. Any questions from the committee? Seeing none, thank you for being here. Next opponent. Next opponent. Welcome.

CINDY MILLER: Thank you. My name is Cindy Miller. I live at 6650 County Road P35 in Blair. You probably don't need that. Thank you for listening to my comments today. I met a multitude of voices clamoring for your attention, Senators. You must stay laser-focused on your sworn promise and duty to uphold the Constitution. This law will trample our rights. The Fifth, Sixth and Fourteenth Amendments would be trampled under this law. Rights can be taken away, ex parte, I think it was said. You won't even know what's happening to you until it's done. I would encourage you to reject this bill because, if you reread it the 26 pages' worth of legalese, the person accused, the respondent, is guilty and asked to prove his innocence. That just flies in the face of our legal system. That kind of stuff is what you see in fascistic governments, not in America. It tramples our Second Amendment rights to keep and bear arms. If a suicide protection order is granted by the court, your guns can be taken away from you, kept for a year, and the order can be renewed ad nauseam. The respondent or the accused person has to petition the court to get his rights back. He is only allowed to do that once a year. And meanwhile, the local sheriff or police department holds his guns and ultimately can dispose of them. So I want you to understand that the petitioner, the court, and its agents can trample on a person's rights for 365 days a year. The respondent only gets one chance to appeal that. I see you smiling. I hope I understood correctly. The fifth reason I would object to this is on page 7. It's just a huge, vague grab bag of reasons why you want

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someone to have this order against them, and this bill does-- the suggested bill doesn't even really focus on suicide prevention. It's more about violence against others. So I urge you to reject this bill.

WAYNE: Any questions from the committee? Seeing none-- and can you come back real quick and spell your name for the record? I guess I didn't catch that.

CINDY MILLER: Cindy, C-i-n-d-y, Miller, M-i-l-l-e-r.

WAYNE: Thank you so much. Next opponent. Next opponent. We'll transition to those testifying in a neutral capacity. Neutral capacity, come on up.

GREGG LANIK: [INAUDIBLE] opponent.

WAYNE: Neutral?

GREGG LANIK: Opponent.

WAYNE: Oh, opponent? come on up. We'll do one more opponent.

GREGG LANIK: Thank you, Senator.

WAYNE: Thank you. Go ahead.

GREGG LANIK: Senators, my name is Gregg Lanik, G-r-e-g-g L-a-n-i-k, and I am here today to oppose LB482. This bill co-opts the very serious issue of suicide prevention for the sole purpose of disarming Nebraska's citizens unconstitutionally. This bill does not address the underlying issues, nor offer treatment for persons potentially experiencing suicidal tendencies. It establishes a system with the potential to be abused by petitioners; and specifically, in Section 14, the Suicide Risk Protection Order Act imposes minimal criminal and no civil liability on any person or entity for acts or omissions related to seeking or obtaining a suicide risk protection order. Without criminal redress in place against petitioners who may potentially abuse this law, there is no mechanism to discourage misuse. LB482 is biased against firearm owners. Section 3, part 3 (a) allege that the respondent poses a significant risk of causing personal injury to self or others may-- by having in the respondent's custody or control, purchase, possessing or receiving a firearm-- this bill does nothing to address any other form of potential suicide. Section 9, part (9) states: By October 1, 2023, all law enforcement agencies shall develop policies and procedures governing the

acceptance, storage and return of firearms required to be surrendered under this act. The bill provides no method for funding local or state law enforcement agencies' time and facilities necessary for the proper storage or confis-- of confiscated firearms. Such considerations would include, but not be limited to, security and climate-controlled storage space, nor does it provide for a compensation of the respondent if their property is lost, stolen or damaged. I'm also concerned that there's no way that if someone's firearms are taken away, as been mentioned, that instead of them being destroyed, they should be-- there should be a way put into this that the firearms can be transferred to an FFL for sale so that the money can go back to the firearm owner. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Any other opponents? Opponents? Seeing none, moving on to neutral testimony, Those testifying in neutral, come on up. Welcome--

SPIKE EICKHOLT: Thank you.

WAYNE: --to your Judiciary Committee.

SPIKE EICKHOLT: Thank you. Good afternoon. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in a neutral capacity with respect to LB482. I did visit with Senator Raybould earlier this week and expressed our concerns and she recommended we approach-- appear before you neutrally and state them on the record. Some of the points I want to make are similar to what Sheriff Hanson meant-- made earlier. The concerns that our association has-- and we're a member group of about 370 attorneys who practice across the state, criminal defense-- is that this bill, while well-intended, admittedly, does create a new sort of means or a new process where law enforcement can enter someone's home and seize their property. If you look on page 3, it sort of delineates that law enforcement can complete a form. It does have to be an affidavit form as created by the State Court Administrator's Office, detailing facts which indicate that someone is a significant risk of causing personal injury to themselves or others and that they have firearm somewhere in the home. That is a different standard than getting a search warrant, and it is a different standard of taking someone into emergency protective custody. If you look at page 5 of the bill, the standard that has to be proven to the courts is just a preponderance of the evidence, which means more likely than not, or 51 percent, the order is granted. That's not the same standard

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as issuing a search warrant. And it may be or maybe it's not the same standard as taking someone into emergency protective custody. And then finally, page 16, although it's not clear, seemingly provides law enforcement with the authority to seize firearms, and it doesn't explicitly state that they are-- that law enforcement is permitted to enter homes or property to do so. But it does sort of at least envision that, because if you look on page 16, lines 7 through 8, it provides that law enforcement shall be issued to take into custody all res-- all firearms that are "surrendered, found in plain sight, or otherwise lawfully obtained." So I just mention that because it sort of doesn't clearly state how law enforcement can actually collect these firearms, but seemingly gives them the authority to enter homes. Those are the concerns that we have. Perhaps what Sheriff Hanson mentioned earlier, maybe that's some area that could be considered by the committee. I'll answer any questions if the committee has any.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Any other neutral testifiers, those testifying in neutral? She waived closing?

_____ : Yes.

WAYNE: OK. We-- for the record, we received 125 letters, 3 in support and 122 in opposition. With that, we will be closing the hearing on LB482, and we will be opening the hearing on LB11. Welcome. We'll take a quick recess of like four minutes as-- you can come out. We're not-- we're just waiting for them to clear, so it'll probably be like two minutes.

[BREAK]

WAYNE: All right. Senator Blood, welcome to your Judiciary.

BLOOD: Thank you, Chair Wayne, and good afternoon to all, all the members of the Judiciary Committee. My name is Senator Carol Blood; that is spelled C-a-r-o-l B-l-o-o-d, and I represent District 3, which is the western half of Bellevue and eastern Papillion, Nebraska. Thank you for the opportunity to bring forward LB11, which provides clarification for household pets and domestic abuse protection orders. So I've introduced LB11 to support the safety of survivors by providing better clarification regarding domestic abuse protection orders and household pets. In Nebraska alone, around 1.4 million people experience some form of gender-based violence in their lifetime. Common perceptions categorize these instances as physical,

but they often take the form of abusers exercising forms of power and control. One avenue used is threatening household pets if their partner threatens to leave their relationship. According to the ASPCA, as many as 25 percent of domestic-- domestic violence survivors have reported returning to their partner out of concern for their pets. Nebraska remains one of the very few states-- there are 37 indeed, D.C. and Puerto Rico, that all have this legislation-- to not explicitly provide protection to household pets in domestic abuse protection orders. Recent research in periodicals, such as the Journal of Interpersonal Violence, shows a well-documented link to predictive or co-occurring crimes of violence against humans, including intimate partners, children and elders, and those who also abuse animals. Domestic violence is a complex problem and at the core of the issue is an abuser's need to obtain power and control within the relationship. We have heard repeatedly from survivors and advocates that perpetrators of domestic violence will con-- of domestic violence will threaten to harm household pets to maintain power and control over their victims. These threats make it increasingly difficult for survivors of domestic violence to leave an abusive relationship as they often feel pressured to stay for the well-being of their pets, many of which serve as critical emotional support. This is so widespread that in one survey, according to the Humane Society, 71 percent of domestic violence victims reported their abusers targeted their pets. We can strengthen our support of survivors of domestic violence seeking to leave an abusive situation by clarifying protections of domestic-- domestic abuse protection orders for household pets. Currently, the domestic abuse protection order application offers survivors several potential protections that could be included in the order. For instance, a survivor may request that the abuser be prohibited from calling them or they may order the perpetrator to stay away from specific locations that the survivor frequents often. Although current domestic abuse protection orders allow for victims to write in a specific relief not provided on the general list, this bill will require the explicit listing of options on the application that grant survivors custodies of any household pets and prohibit the abuser from coming into contact with any household pets. To clarify, a household pet in this bill refers to any animal kept for pleasure or companionship, but it does not include any animal kept primarily for commercial purposes or for consumption or any livestock animal as defined in Nebraska statute. This clarification within the protection order application is especially important for those who may not use the write-in option or do not know what kinds of relief they may ask for beyond the ones already listed

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on the application. Now this committee has advanced several pieces of key legislation to support and empower survivors of domestic violence in the past, with many of those bills involving protection orders. LB11 will build upon the Legislature's previous efforts to support survivors by reducing a barrier to leaving a dangerous relationship through clarifying domestic abuse protection orders that explicitly include options to protect household pets. I'm going to stop for a second and point something out that I don't know if anybody else has noticed. Isn't it interesting the media is more involved with gun issues than actually helping victims of domestic violence, how they're all gone now for this bill? Just wanted to point that one out. Tell you how much we value Nebraskans? That's how much we value Nebraskans, apparently. Survivors of domestic violence already face numerous barriers when considering leaving an abusive partner. Potential harm to their pets when planning to leave a dangerous situation should not be an additional hardship that survivors have to face when planning to leave a dangerous relationship. I thank you for your time today and consideration for LB11. I'd encourage you to wait for additional questions in my closing as I have several testifiers who will likely answer those questions and be able to share their expertise, and I ask for your full attention for their personal stories as well.

WAYNE: Thank you. Any questions for Senator Blood? Senator DeBoer.

DeBOER: And you may or may not be the right person to ask. You might be able to tell me who would be. Does it matter who owns the pet? Because--

BLOOD: No.

DeBOER: So--

BLOOD: The-- I'm going to let you go ahead and listen to the testifiers because think you're gong to hear some of that. And if not, I'll come back--

DeBOER: OK.

BLOOD: --in my closing and respond.

DeBOER: Perfect. Thank you.

BLOOD: Fair enough?

DeBOER: Yep.

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BLOOD: All right.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. First proponent. Proponent.

ERIN FEICHTINGER: Chairperson Wayne, members of the Judiciary Committee, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and I'm the policy director for the Women's Fund of Omaha. At the core of domestic violence is a perpetrator seeking to maintain power and control over a survivor. Often physical abuse immediately comes to mind when we think about domestic violence, but power and control are maintained by abusers in many other ways, and one of those ways is through household pets. I won't repeat a lot of the wonderful-- not wonderful, they're clearly not wonderful statistics, but the accurate statistics that Senator Blood gave you in her opening, Just a few I wanted to add: 89 percent of women who had companion animals reported during an abusive relationship, reported that their animals were threatened, harmed or killed by their abuser; nearly one third of survivors reported their children had either witnessed abuse of household pets or were aware that it had taken place; 25 percent of domestic violence survivors reported returning to a relationship out of concern for their pet; and I think this is a really important point for this committee and for this Legislature who has so far valued the-- the survivor voice, that more than 90 percent of survivors identify that the presence of a pet played a significant role in their healing. Additionally, survivors seeking protection orders often navigate this process on their own, pro se, at a really vulnerable time, the protection order process. And that process becomes even more onerous when the information of what a survivor can include as part of a protection order is not clear or obvious as they're doing this by themselves. This bill will provide further necessary clarification on a protection order application for survivors seeking a protection order, and we would ask that you continue helping us to help survivors by providing the clarity needed for the safety of survivors in our state and vote in support of LB11. And I would be happy to answer any questions to the best of my abilities, but we do have some experts here.

DeBOER: Oh, it's me.

ERIN FEICHTINGER: Oh, you're the Vice Chair. Congratulations.

DeBOER: I didn't see he wasn't there. I couldn't see past Angenita. Any questions? I have a question. So a friend of mine in another

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state, so it's-- it doesn't-- this happened to her and she didn't technically own the pet, because somehow he had the receipt or something, and then he could still use it against her. So is there some requirement of who owns the pet or how does that get determined? Do you know the answer to that?

ERIN FEICHTINGER: I'm going to let the legal experts coming up behind me--

DeBOER: Great.

ERIN FEICHTINGER: --clarify that.

DeBOER: I'll keep asking until somebody answers.

ERIN FEICHTINGER: Well, hopefully they're listening and they can just jump in and-- and let you know.

DeBOER: Well, it seems like maybe they will then.

ERIN FEICHTINGER: Yeah.

DeBOER: Thank you. Other questions? I don't see any. Thank you.

ERIN FEICHTINGER: Congratulations, Vice Chair, on your promotion.

DeBOER: Next proponent testifier. Thank you. Welcome.

TESHAWNA SAWYER: Thank you. Thank you guys for taking the time and giving me the opportunity to speak today. My name is Teshawna Sawyer, T-e-s-h-a-w-n-a S-a-w-y-e-r, and I work for Willow Rising, which is a domestic violence, sexual assault and human trafficking crisis center, and I'm here to ask you to support LB11. Domestic violence is a crime of power, control and manipulation. I ask you to envision what in your life that, if threatened, you would do anything in your power to protect. I assume when I ask that question, a lot of you think about your family, friends, and maybe your pets. This is exactly why abusers use these things to control their victims. As a parent, we always want to protect our kids. And if that means that being hit in the face, kicked in the stomach or pushed down means that they stay safe, I would choose that every time. We know that this happens and that the statistics show abused individuals stay to protect their kids. This is the reason that children were added to protection orders. For many victims of violence, their pets are equally important to them. Their pets never harm them, make them feel unloved, or lie to them. Their

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pets comfort them when they need it, show unconditional love, and may even try to protect them. This makes them a good manipulation tool when an abuser needs to find a way to control their victim. Every week someone walks into our office and is terrified to leave their partner because of what they might do to their pet. They plead and beg for us to find a way to make sure that their pet can be safe. I have had clients stay in the home with their abuser because there is nowhere for them to take their pet and there's no protection available on the protection order. Once we [INAUDIBLE] home, I've had those victims come back in and some of those have been stabbed. We had a lady that was set on fire and another individual that was nearly beaten to death. I also worked with a victim that had her jaw broke so bad that she had to have three surgeries to fix it. These are all after going back to their abusers because they couldn't have their pets. They should not be required to sustain the abuse and manipulation to ensure that their pets are safe. Currently in Nebraska, those protections are not on the protection order. They can ask their abuser to be excluded from the home, not contact them, and even not be able to purchase a gun. But there's no way that they can ask for their pet to be safe. This bill would fix some of those problems. I won't go over the statistics since I'm running out of time. I do want to note-- note that like 37 other states have this-- have protection for pets in their protection orders.

DeBOER: Thank you. Are there any questions for this testifier? I do not see any. Thank you. Next proponent.

BREANNE CROW: Thank you guys for this opportunity to speak in favor of LB11. My name is Breanne Crow, B-r-e-a-n-n-e C-r-o-w. I am 29 years old and I stand here before you courageously speaking on a topic near and dear to my heart: enduring domestic violence while having pets. On June 30, 2021, I almost died from domestic violence. My ex-boyfriend nearly stabbed me and tried to run me over with his car when he stole my puppy Zeus. I barricaded myself into my apartment, locked the door, and finally called 911. My ex-boyfriend fled the scene and I was safe at that moment, but I hyperventilated because all I could think was he's going to kill Zeus. This wasn't a new thought for me to have. He always resorted to hurting my animals when he wasn't getting the reaction out of me that he desired. I would watch him choke my cats, kick my dogs. He threw things at them and scared us often. On June 14, 2021, I filed a protection order at Willow Rising. I could barely think, I was so worried about Zeus. I luckily had him returned to me, but that didn't eliminate all the fear that I had. I endured ongoing flashbacks of trauma. I couldn't take my dogs out to go to the

bathroom after 8:00 p.m., for when the sun went down, I felt vulnerable. I let my dogs defecate on the floor if they needed to, and I prayed to God every night that we'd find somewhere safe to go. At that time, though physical destruction surrounded me, I still had hope. I saw holes in the walls, stab marks, broken items, but all these things could be replaced or fixed. What tore me up was looking at my white shepherd, Delilah, as she shook with fear. She was frightened by every sound and was on high alert. She weighed only 35 pounds and stress was very obvious on her, and the guilt I felt was so debilitating. I'd hold her every night and cry, trying to comfort her. I knew consistency and stability is what she needed, and I was determined to give that to her. My pets played a significant part in keeping me alive during this nightmare of a reality. I stand in front of you sharing my experience, and I'm confident God had something in mind to turn all this pain into advocacy. I'd have more peace of mind knowing my animals were also covered under the domestic abuse protection order that was granted to me. I could not enter the DV shelter as my animals had nowhere to go. Local shelters, rescues and fosters were full, and the only comfort I knew and trusted came from my pets. If I were to leave my pets to flee the situation, I'd have essen-- essentially left my dogs for dead. I have to end with the reality of my life today. My dogs Zeus, he is my hyper husky, full of energy at two years old. He keeps me on my toes. My dog, Delilah, is four and 65 pounds now. She is my chunky, happy girl and her smile lights up the entire room. We have a safe home. We thrive in consistency and stability, and we have embraced our new life, which radiates with joy and freedom. I continue my journey of healing with them. Thank you for your time and attention to this matter.

DeBOER: Thank you for your testimony. Are there any questions? I do not see any. Thank you so much for being. Next proponent.

JENNIFER RICHEY: Hello.

DeBOER: Welcome.

JENNIFER RICHEY: My name is Jennifer Richey, J-e-n-n-i-f-e-r R-i-c-h-e-y. Chairman Wayne and the committee members, I thank you for this opportunity to speak in support of LB11. I'm a licensed, independent clinical social worker. I worked in the social work/mental health field for var-- in various capacities for over 20 years. My role here is to ensure that education is provided about domestic violence, trauma, post-traumatic stress disorder, and the systemic and personal barriers that victims face. In the 1940s, Abraham Maslow and

behavioral scientists suggested the human motivation, also known as Maslow's Hierarchy of Needs. Maslow proposed that there are five categories of human needs that dictate person's behavior and motivation: psych-- excuse me-- psycho-- psychological needs, safety needs, love and belonging needs, esteem needs, and self-actualization needs. Perpetrators of domestic violence or intimate partner abuse slowly break down and attack five needs of survival in victims. This causes several personal issues and barriers that lead to a person trying to leave abusive relationships or to seek help. The abuser will slowly gain control, power of the-- of our five needs in the forms of emotional and psychological abuse, physical, sexual and financial abuse. The abuser uses coercion and per-- pervasive tactics to gain power and control, to distort victims' image, self-esteem and reality. The abuser often appears very charming, charismatic and confident, spontaneous, and engages in acts that may be described as "love bombing" and favorable to others from the outside. Once the abuser has power and control over the victim, the victim experiences isolation, reality testing and distorted thinking. Depending on the abuser and the stages of the abuse, the abuser will likely need a way to prevent the victim from leaving. This is often by having the children-- having chi-- a child, children or a pet. In layman's terms, the victim is stuck with an immense amount of shame and guilt and often silenced in the abuse. Families and friends don't understand what is happening or why the victim can't leave. I'm going to run out of time. Trauma endured, any type of this attack, violence or threat to your life and safety, be-- changes brain chemistry and structure that impacts normal functioning. The areas in our brain are impacted most in-- are in our amygdala, hippocampus and our prefrontal cortex. Most victims of abuse, violence and vicarious trauma develop a clinical diagnosis of post-traumatic stress disorder. The amygdala is our emotional response center of the brain. It helps us perceive and control emotions. The hipp-- hippocampus is our memory and learning. Brain scans will show that someone who suffers from PTSD has decreased functioning and shrinkage in the hippocampus. The prefrontal cortex is our executive functioning, our higher level of thinking, reasoning and judgment. Persons with PTSD have decreased function and activation of our brain in this area. So I'm going to skip. As it stands now, parents have a constitutional right to be parents, and children and animals are vulnerable and left without a voice or right in a legal proceedings. Thus, the abuse cycle continues when children are left alone, unsupervised with an abusive parent. After COVID-19, we've seen a drastic rise in behaviors, violence--

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DeBOER: Ma'am--

JENNIFER RICHEY: --and mental health issues-- sorry.

DeBOER: Sorry, your red light is on.

JENNIFER RICHEY: OK. Sorry. I didn't get through near that, but any questions?

DeBOER: Did-- you passed it out, though, didn't you?

JENNIFER RICHEY: I did, yes.

DeBOER: All right. Are there questions from the committee? Yes, Senator Holdcroft.

HOLDCROFT: Would you like to finish your last couple paragraphs there?

JENNIFER RICHEY: I can, yes, because I think it speaks to-- to what we're seeing now. With COVID-19 we've seen a lot of kids that were left isolated alone with their abusive parents or abusive caregivers and guardians. For kids, behaviors are a form of communication, and we're seeing violence disrupt school settings, disrupt our community, you know, gun violence. And so if we don't get to the root of this issue, if we don't stop the violence where it starts, we are going to continue to go down this path. And our kids and our families, women and men, we all deserve better. We-- we're going to continue down this path and we are in a serious mental health crisis right now. We have social workers, therapists who are not able to even help a majority of the-- of the referrals that they're getting. It is-- I can't express enough how-- how bad it is right now. And so I just-- I hope that we can start somewhere.

HOLDCROFT: Thank you.

JENNIFER RICHEY: Yeah.

DeBOER: Thank you, Senator Holdcroft. Any other questions?

JENNIFER RICHEY: Thank you.

DeBOER: Thank you so much for being here. Next proponent. Welcome.

SAM FRANKLIN: Thank you. Hi. I'm Sam Franklin. I'm from ShelterMe Nebraska. We house--

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DeBOER: Can you-- can you please spell your name?

SAM FRANKLIN: We-- oh, sorry. Sam Franklin, S-a-m F-r-a-n-k-l-i-n. We offer emergency housing for victims of domestic violence and their pets who are escaping domestic abuse, and then we foster the pets as they enter the shelters. So I-- I'm a victim of domestic violence, as well, and had to leave my pets behind with my abuser because they weren't allowed on my protection order. But I don't want to talk about me. I want to talk about a victim named Meredith. She couldn't leave her pets behind. She was afraid for their safety. She had a dog named Dave. He was 110 pounds. He was a good boy. And her abuser would beat him so severely that he would sit in the corner and pee himself. And when he didn't-- he didn't become aggressive and growling when he was being beaten, he got beat some more. And her cat, Katniss, was thrown in the closet. And her litter box was thrown on her and cold water was dumped on her and she was locked in the closet for days. Meredith was afraid to leave. Her-- her abuser would use her pets to coerce her into staying into the-- into the abuse. Had Meredith had the opportunity to live with her pets and have a protection order like this, she would have gone in a heartbeat. And you have the-- the power to let that happen and that's-- that's a pretty amazing thing to help that. So I want to thank you for that. I don't have anything else to say, but I want you to think about Meredith when you're thinking about this bill. We work with domestic abuse victims every day and their pets. And we have to turn-- we have to turn some victims down because we just don't have the space. But we try. And I just want you to think about them and their pets as you're-- as you're-- as you're thinking about this bill. Do you have any questions?

DeBOER: Thank you very much for your testimony. Are there any questions for this testifier? Thank you for the work that you do.

SAM FRANKLIN: Thank you.

DeBOER: Thank you. Next proponent.

NATALIE ROBERTS-DAY: Good afternoon. My name is Natalie Roberts-Day, N-a-t-a-l-i-e R-o-b-e-r-t-s, hyphen, D-a-y, and I'm the executive director with Voices of Hope, which provides advocacy to survivors of domestic violence and other forms of abuse. And I'm here today to tell you that this bill will save lives, not just the lives of pets, though it is a nice comfort to know that pets will be safer because of this bill. This will-- bill will save the lives of individuals who are trapped in circumstances of extreme violence. And we've heard some of

the survivor's perspective today, but I want to take a minute and share a little bit of the perspective of the advocates who support those survivors. Our advocates at Voices of Hope are called out to the hospital to support victims of abuse, often in the middle of the night, and they pour their hearts and their souls and their time to help victims feel safe enough to imagine that they would have the power to change their circumstances. It is a regular occurrence for our advocates to work with a survivor and see them come to a point of being prepared to leave, finally, to escape the abuse, only to have that survivor's face fall when they remember that the dog is still at home and the abuser will kill the dog if they leave. The survivor knows this because the abuser has told them so on many occasions, often while kicking, beating, threatening the dog with weapons to guarantee that the victim of abuse will live in a state of constant fear in order to maintain that control. According to the National Coalition Against Domestic Violence, 87 percent of batterer-perpetrated incidents of abuse-- or of pet abuse are committed in the presence of a partner for the purpose of revenge or control. And anecdotally, I can tell you that our advocates, when I told them I was coming here today to testify on behalf of this bill, had story after story of horrific incidents of abuse that people went back to because all hope was lost as soon as they remembered there was nothing that they felt they could do for that pet. And that victim goes back to feeling powerless, powerless to escape, powerless to protect, and they choose to stay, to endure that violence, to risk their life, rather than see a beloved member of their family, often an important emotional support for the victim, hurt at the hands of the abuser. By allowing survivors of domestic violence, abuse-- and abuse to protect their pets, you are removing barriers that keep members our-- of our community out of nightmare situations. This bill protects pets, but it is also about the safety of some of our most vulnerable members of the community. On behalf of survivors and the advocates who support them each day, I urge you to support LB11. Thank you.

DeBOER: Thank you for your testimony. Are there questions? Do not see any. Thank you so much. Next proponent.

NANCY HINTZ: Good afternoon. My name is Nancy Hintz; it's N-a-n-c-y H-i-n-t-z, and I'm the president and CEO of the Nebraska Humane Society and I am testifying today in support of LB11. As you may know, the Nebraska Humane Society provides an array of services for animals and the people who love them. One notable program is Project Pet Safe, which provides temporary free shelter, food and medical care for companion animals of domestic violence victims while they work with an

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advocate case manager to secure safe housing. After housing is attained and when the victim has moved, they are reunited with their pet. When reunited, we also provide them with pet supplies to ensure that they have what they need to start their new life together. We started this program to help provide domestic violence victims options for their beloved pets because of the staggering statistics revealing that 50 percent of victims stay in abusive situations rather than leave their pets behind; 25 percent of survivors will return to an abuser out of concern for their pets; and a high percentage, 71 percent, of reported domestic violence abusers also abuse their pets. Over the past five years, the Nebraska Humane Society has helped 137 domestic violence survivors by providing 221 pets over 4,800 days of sanctuary, free housing, medical and preventative care. And during this time, survivor participants report 100 percent satisfaction with our program, and 88 percent of them have had their pets reunited with them. In 2022 alone, we were able to reunite 100 percent of survivors with their pets. So we do ask that LB11 be moved this session so that the statutes can reduce further barriers for victims seeking to leave-- to leave abusers and increase the protection of animals in domestic violence situations. Thank you and I'm happy to answer any questions.

DeBOER: Thank you very much for your testimony. Are there questions for this testifier? I'll ask you one, and you may also defer me to someone later, but I know we've worked on some animal cruelty statutes with you all. And I'm wondering if in some of these instances when you receive pets or you, you know, are going to caretake for pets that have come to you through a domestic violence situation, if-- if then there's any movement to prosecute for animal cruelty when the animals were abused prior to coming to you.

NANCY HINTZ: And that is an option, you know, for the survivors coming forward. But to be honest, they're fearful of pushing that issue while they're trying to get out and seek safety. So it might not happen at that time, but it is still an option for them to report that to us. And obviously, the Nebraska Humane Society has the Animal Control authority in Omaha and in Sarpy County. And if those incidents are reported to us, then we are obligated to investigate.

DeBOER: And those animal cruelty statutes come with sometimes "you can't own a pet" kind of provisions?

NANCY HINTZ: Yes. So if they're convicted of a felony, animal cruelty, then there's a 15-year animal ownership restriction.

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DeBOER: I think we just changed that last year.

NANCY HINTZ: Yes, we did. We did.

DeBOER: All right. Thank you so much.

NANCY HINTZ: Thank you.

DeBOER: Any other questions? I don't see any. Thank you.

NANCY HINTZ: Thank you so much.

DeBOER: Next testifier.

STEFANIE PEARLMAN: Vice Chair, members of the Judiciary committee. My name is Stefanie Pearlman, S-t-e-f-a-n-i-e P-e-a-r-l-m-a-n. I'm a professor at the Schmidt Law Library and the interim associate dean for diversity, equity and Inclusion at the College of Law at UNL. I'm testifying in support of LB11 and acting in my own personal capacity and not representing the University of Nebraska system or the University of Nebraska-Lincoln. Although animals are treated typically as property under the law in the United States, there are some ways that they are treated differently than other property, especially with companion animals and the bond between companion animals and-- and-- and humans. This somewhat elevated status of animals beyond more-- mere property is demonstrated in existing Nebraska laws, including those protecting animals from abuse, prohibiting animal fighting, allowing trusts to be created for the care of animals, and preventing people who would have harmed an animal from owning another animal for a period of time, as you just heard, all laws that would not typically apply to other types of property. A federal statute that shows the human companion animal connection is the PETS Act of 2006, which was passed after the devastation of Hurricane Katrina. When introducing this bill, Congressman Lantos stated it was, quote, common sense legislation and that, quote, without a corrected protocol, pet owners are unnecessarily forced to choose between their own safety and the safety of their pets. He further stated, I cannot help but wonder how many more people would have been spared, could have been spared the wrath of Hurricane Katrina if only they could have taken the family pet. Turning our eyes to LB11, I believe it's important to add the language in this bill because, despite the catchall provision that already exists in the statute, judges may be reluctant to act without this Legislature-- without this legislation because of the tradition of animals being property in the U.S. It is important to note that

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this-- this LB11 uses permissive and not mandatory language, allowing the judges discretion and sound judgment in whether to grant relief. By my count, 38 states, plus Puerto Rico and D.C., have statutes containing specific language allowing animals to be covered under a protection order, over half of them using the same or similar grant of custody to the petitioner, regardless of whether the petitioner or the respondent technically owns or possesses the animal. I'm grateful to be here today testifying on a bill known as LB11, because it is unfortunate truth that several pieces of U.S. legislation designed to protect people from violent acts are known primarily by the name of murder victims, such as Megan's Law and the Clery Act. I hope this becomes law this session so I don't have to testify again in two, three or four years when a similar bill is known by the name of a murdered Nebraskan, maybe Meredith, who didn't have the heart to leave their beloved pet behind to save their own life. Thank you.

DeBOER: Thank you.

STEFANIE PEARLMAN: You have a question for me.

DeBOER: Well, let's see if there are any from the committee. Are there questions from the committee? OK. So if they're-- the ownership, what's the owner-- how does the ownership work within this? Because a situation where-- that I was familiar with, someone who had the receipt for the credit card, for paying for the puppy, therefore, got to keep the dog, which seems ridiculous because he never lived in the same house with the dog, but because property-- so what-- how does-- how does this bill treat that?

STEFANIE PEARLMAN: This bill, along with the bills in I think it's 21 other states, same or similar, the bill states that it would enjoin the respondent from coming into contact with, harming, or killing any household pet possessed, leased, kept or held by the petitioner, the respondent, or any family or household member of the petitioner or respondent. So to me, the reading of that language indicates that it would not matter.

DeBOER: OK. So you mentioned a catchall on the protective order?

STEFANIE PEARLMAN: Um-hum.

DeBOER: Could that already cover a pet?

STEFANIE PEARLMAN: It could, in theory. There are a couple of issues with that. The first is this notion and tradition in the law that pets

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are considered property, and judges may be reluctant to-- to use the catchall provision for animals without explicit legislation saying they can. Some may, some may not. I don't believe that language, being able to check a box off, is on the petition that they can request an animal. They'd have to know they should fill that in. I would also say that-- well, what would I also say? The catch all provision, would it already cover that? I'll leave it there because the other thought just flew out of my brain.

DeBOER: That's all right. [INAUDIBLE] And then with respect to some of these incidents that we're hearing about, where the animal is abused by the abuser in the first instance, do our animal cruelty statutes kick in? What's the-- I mean, I understood what the previous testifier said in terms of, you know, the-- the victim may not be wanting to bring that out. But--

STEFANIE PEARLMAN: Yeah.

DeBOER: --societally, I think--

STEFANIE PEARLMAN: There--

DeBOER: --don't we have--

STEFANIE PEARLMAN: There is a statute. The statute is, I believe, 28-1009 that talks about intentional knowing or reckless abandonment or cruel neglect. It also talks about cruelly mistreating an animal, and if it involves knowing and intentional torture, repeated beating or mutilation, so they could be prosecuted, an abuser could be prosecuted under the statute.

DeBOER: That's what I was thinking maybe with the last testifier that there was-- that they had an obligation to report if they observe an animal has been beaten.

STEFANIE PEARLMAN: Right. I-- presumably, it would be like any other criminal offense that when the evidence becomes available, the prosecutor may be able to-- to file.

DeBOER: OK. And the ownership piece, that probably still needs to be worked out a little bit, or do you think it's covered enough in here to say, look, if someone has a receipt for the animal, is treated like property, it doesn't matter, it could still be given the protection order?

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STEFANIE PEARLMAN: I think the language is clear to that. I don't know. Others might have a different opinion. But this-- this notion of regardless of whether it's possessed, least kept or held--

DeBOER: OK.

STEFANIE PEARLMAN: --seems to me to-- to clarify that. You could, I suppose, put the word "owned" in there, which I don't know that it is, in a-- in a different section. I think it's-- nope, it does. I'm sorry. It says, in the section before that: directing the care, custody or control of any household pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or any family or household member residing in the household. So that's Section 8. The section I was quoting before would be Section 9.

DeBOER: Perfect. Thank you.

STEFANIE PEARLMAN: You're welcome.

DeBOER: Other questions? I don't see any. Thank you.

STEFANIE PEARLMAN: Thank you.

DeBOER: Next proponent.

MELANIE KIRK: Good afternoon-- Chairperson Wayne is not here-- members of the Judiciary Committee. My name is Melanie Kirk, M-e-l-a-n-i-e K-i-r-k. I'm the legal director at the Nebraska Coalition to End Sexual and Domestic Violence, and I'm here to testify in support of LB11 on behalf of the coalition and its network of sexual and domestic violence programs across Nebraska. The coalition's network of 20 programs collectively serves all 93 counties in Nebraska and are the primary service providers for domestic and sexual violence survivors. Domestic violence occurs when an individual establishes and maintains power and control over their intimate partner. There are numerous ways in which power and control are asserted, from the use of physical violence and threats to financial control, emotional abuse, sexual assault, isolation. But for purposes of today's hearing and this bill, I think that it's important to focus on the ways that a batterer can establish and maintain control through harm or threat of harm to a pet. Abusers manipulate and control the emotional attachment that their victims have with their pet and weaponize it to demonstrate their power and control, to further isolate their partner, to eliminate competition for attention, to retaliate against any acts of independence, and to prevent the victim from leaving. The National

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Coalition Against Domestic Violence reports that 71 percent of pet-owning women enter domestic violence shelters report that their abuser has threatened, harmed or killed a family pet. As many as a quarter of survivors will go back to an abuser because they are worried about a pet. In addition, because of the fear of retaliation against pets, as many as 40 percent of victims report that they are entirely unable to leave their abusers out of fear of what will happen to their animals, sacrificing their own physical-- physical and psychological health in order to protect their animals. As of 2023, 38 states, as well as Washington, D.C., and Puerto Rico, have enacted laws like this to allow for pets to be included in protection orders. I attached a map, which actually only shows 36 of them, because there have been 2 more that have been passed since that was made available, so that you can look at that. In preparing for this hearing, I've learned that there are some concerns from the NSBA regarding the language in this law. They expressed concerns with the use of the terms "care," "custody," and "control," and the idea that this bill would encroach on property rights. I believe that the concerns regarding terminology, "care," "custody," and "control," could be addressed by changing the language to "sole possession," and that much of the concern about property issues can be addressed by adding the language that "the sole possession shall be during the time the protection order is in effect, or until further order of this court," clarifying that the property is not permanently transferred, but that the pet is protected during the time that the protection order is in effect. A further concern comes with the idea that only pets owned by the petitioner or jointly held by the parties or the minor children should be included in a protection order. Unfortunately, this change would kneecap the very situation this bill is attempting to address. Emotional attachments are not governed by ownership paperwork, and neither does it dictate whether an abuser's cruelty will extend to a pet. Some courts across this nation have begun to evolve their thinking about legal status as pets, but right now pets are considered property all across the United States. Pets do enjoy additional protections, such as the animal cruelty laws that you had mentioned earlier.

DeBOER: Oh, I see your red light is on. But I may ask you a few questions. I have to see if there's any others. Are there any other questions? So how do other states handle that ownership--

MELANIE KIRK: So--

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DeBOER: --situation for purposes, like you say, of someone may be the-- basically the sole possessor of the animal, but not retain the receipt saying that they purchased the animal.

MELANIE KIRK: And very few people will keep receipts on things like guinea pigs. But the reality of the situation is, out of the 36 states that have this law, only 6 limit the ownership to the petitioner or children, only 6. All the rest of them allow for it to be any household pet, regardless of ownership. The reason why that is so important is that you have to understand in the dynamics of domestic violence, an abuser often prevents the victim from owning the property.

DeBOER: Right.

MELANIE KIRK: So it's so important that you unders-- that-- that this committee understands that Nebraska is in a rapidly shrinking minority of states that have not added this provision to protect families, to protect the pets, and to protect the victims of domestic violence. And I know that Nebraska can do better.

DeBOER: So is the-- is the language the same as what we have here in this bill and the other states that-- except for the six that limit to ownership?

MELANIE KIRK: So it's very similar. Most of them say either party. Some of them say under the care of the petitioner or minor children; some of them say maintained by a household member. So there's various language, but most of them say either or specify petitioner, respondent or minor children of the household.

DeBOER: Have there been any cases that have gone up anywhere on this that have kind of tried to figure out that language?

MELANIE KIRK: Not particularly. One thing I do think it's important to note, too, is that under 42-924, the fourth provision allows already-- it's already in place-- allows judges to remove and exclude people from the residence of the petitioner, regardless of who owns it. And if we're talking about taking away a property right, it seems to me that that's far more onerous on the respondent than ensuring that a pet is safe during a temporary period, which is the most dangerous period for when a victim leaves.

DeBOER: OK. Thank you. Are there other questions? I don't see any. Thank you so much. Next proponent testifier. Any other folks here in

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the support category? Are there any opponents of this bill? Anyone here in opposition? Is there anyone here to testify in the neutral capacity?

TIM HRUZA: Good afternoon, Vice Chair DeBoer, members of the Judiciary Committee. My name is Tim Hruza, last name spelled H-r-u-z-a, appearing today on behalf of the Nebraska State Bar Association in a neutral capacity on LB11. I do want to be clear for the committee that I appear neutral today. The Bar Association does have an official position in opposition to the bill as drafted. After some-- some discussion with Senator Blood, her staff, as well as some attorneys for the-- and advocacy stakeholders, we've-- I appear today in the neutral in hopes of coming to an agreement on some amended language. I want to focus my comments-- again, I do want to be open and-- and honest with the committee about where we're coming from in terms of the concerns that we have. The Bar Association, as you all know-- you've seen me before-- appears on behalf of legislation when we have concerns about how it interplays in the scope of the judiciary. Right? So when we're looking at the domestic violence statutes, and particularly with respect to pets, you've heard a lot of testimony today about pets are treated-- animals generally are treated under the law as property. That's true in dissolution cases, right? So if you're going through a divorce and you're trying to determine who has the animal, the pets, those are-- they're treated like property. They're not treated like children. It's not the same analysis that you-- you apply there. When the Bar Association looked at the bill, there were plenty of attorneys who thought this was a no-brainer support for us, the first meeting that we had. The group of attorneys that practice in the family law area then kind of went back and had an internal discussion with their section, came back to our committee and was like, look, we're very concerned about how doing this will interplay with other pieces of statute and how-- and in those divorce dissolution issues, and other property-type claims. So I'm going to turn to the bill real quick and I'll focus on two-- two things I think that have been our-- our sticking points and that we-- we've worked on, negotiated language. I think we're really close. I really do. We just haven't had an opportunity to finalize an amendment. But I'm looking at page 4, the very top four lines there on that bill. There's two pieces in the provision about directing the possession of the property that have caused lawyers concern. One is using the language of care, custody or control, which are typically the types of words that we use when determining how to establish parenting time, how to establish parental-- when-- when-- when you're dealing with child

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custody matters, right, so care, custody and control overlaid over top of possession of property can cause some confusion in terms of how that relates, particularly when you place it in a-- in a protection order setting, how that case or that-- that situation moves going forward when you're just distributing property, if it's in a marriage or even in a breakup between unmarried-- an unmarried couple that might be living together or aren't. The second piece then is the last portion of that, that particular sentence where you're talking about a pet that is owned by the petitioner. I see my red light's on. I-- I'm sorry, three minutes is pretty quick, but--

GEIST: Would you--

DeBOER: Senator Geist.

GEIST: --go ahead and finish because I want-- I--

DeBOER: Senator Geist.

GEIST: --I'm curious about this because I want this to get fixed so we can all move in the same direction, so.

TIM HRUZA: Thank you, Senator. So when you're talking about a pet that is owned by the petitioner, no problem there, but very serious concerns about pet that is owned by the respondent. Right? So you can have a situation where a person owns a pet prior to entering into a relationship. I absolutely understand. I do also want a preface, like I-- this is a hard position for me to be in. I absolutely respect every person who's come up here and testified, and I think the lawyers do too. You've heard from some of our members, right, that have testified up here as well. And so I think that it's-- but I do think it's important because when you're talking about using a protection order process, which oftentimes is ex parte then followed by a hearing, and then there may be other legal matters that follow that. But when you're talking about ownership of property, there's some concerns from attorneys that you start using this sort of mechanism to help determine ownership of-- of an animal or a pet when there are case law. And Nebraska law is very clear that if someone wrongfully has your pet-- and-- and I've got like stories from attorneys who have had to do this-- you file a replevin action and you have to establish ownership. And then the court enters an order forcing the return of the animal, right? We're talking about pets here, but that's the same if somebody take-- has your horse and won't return it or like-- and-- and I-- as the testifiers before me explained, too, all states

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recognize animals as property. I'm not making a comment about the policy choices of the state whatsoever, just that when we put this in the context of a protection order, it overlays with other pieces of law in a bit of a concerning way, right, it could-- what could be a messy way, I think. Turning back then to that, our objection then is the concern that people might leverage. And again, I-- I assume that most everyone who's using these is going to be doing it for the best of intentions. I can also tell you that there are plenty of-- of situations where people don't use protection orders or that mechanism for the best reasons, right? They use-- use them in messy divorce situations, high-dollar divorce situations all the time. And so for that reason, I think we are working on some language that would change the care, custody, and control to a little bit different language that doesn't overlay with the child-- with child custody provisions. And then the ownership, we don't have any objection at all to enjoining someone from harming their own pet, right, especially if-- if a judge has the authority to do that based on the information in front of him. There's real concerns, though, about that property transition if the person truly doesn't own the pet. Right? And I-- like I said, I've got a ton of hypotheticals that are very hard. Lawyers have seen lots of situations. And I also know, like the situations you've heard of today are absolutely and truly need to be addressed. I think we're really close. We've had really productive conversations. We were not able to come to agreement before the hearing today, but there's some proposed language that-- that we're working on. Are there any que-- I'd be happy to answer any questions. I'm sorry for the rambling.

GEIST: That-- I just wanted to hear the-- that you're close, that there is an alternative that you're working on it. That's-- anyway, that was it.

DeBOER: Thank you, Senator Geist. Other questions? I also want to, in the strongest terms, encourage you to continue to work on this. Thank you.

TIM HRUZA: Thank you.

DeBOER: Any other neutral testimony. Senator Blood, to close. For the record, we've received 36 letters of support.

BLOOD: I-- I didn't know if there's more than 36 guys just waiting around to see if there's more.

DeBOER: Nope.

BLOOD: So my goal was to have the amended language before today's hearing, but that did not happen, so for that, I apologize. I don't know. It's like those lawyers have jobs to do or something. I don't. But seriously, friends, you heard someone tell you today that you have the power to make a difference. You have the power. Just a small group of people has the power to create effective change. Right? We always say one person can and does make a difference, right, when they choose to do so. And the power that you've been given is to lift up victims of abuse by giving them back some of this-- this control, because we know that this type of violence is all about making sure that someone does lose their control, their self-worth, their power. And I want you to really think about that when we finally get to vote on this bill and hopefully vote it out, because so many of these types of bills fall through the cracks and never make it to the floor for debate. We debate some ridiculous things sometimes. But something like this is so simple, yet so powerful. You know, some of you know, in the early '80s, I actually worked at a crisis center for abuse and sexual assault. We did have a shelter. That was before I worked maximum security in the prison system. So I've got a lot of stories and I've seen a lot, most of which I can't say out loud in a public forum. But one thing that I will always remember is in the early '90s, I was bringing my son, who had been sick, home from the pediatrician, and that was before we had the easy flip phones even [INAUDIBLE] work cell phone that you had to plug in forever. And-- and there was a car in front of us and the gentleman was clearly being abusive to the woman in the car and right in front of us. And I will always remember this because it is so vivid in my head. He threw his dogs, or I assume her dogs, out onto I-80 by 60th Street. Those dogs were promptly run over by the semi-trucks that were behind him. Unfortunately, both my son and I got to witness that. He was much too young to have seen that. But it opened a dialogue for us, one that he remembers to this day as a-- a 34-year-old man. Help me make a difference with LB11. The language change is simple. It's sad that we think of pets as property. That's something we aren't going to be able to change, but we can simply tweak the-- tweak this language, kick this bill out and make a difference for a lot of Nebraskans will now be able to leave relationships because we give them options to do so.

DeBOER: Thank you, Senator. Blood. Are there any questions for Senator Blood? I do not see any. Thank you. And that will end our hearing on LB11.

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GEIST: All right. I will-- I will take over now. All right. And with that, we'll close the hearing on LB11 and open the hearing on LB759. Welcome to your Judiciary Committee, Senator Wendy DeBoer.

IBACH: Sounds like a wrestler.

GEIST: I know. [LAUGH] It's Friday.

DeBOER: Good afternoon, Second Vice Chair Geist and members of the Judiciary Committee. My name is Wendy DeBoer W-e-n-d-y D-e-B-o-e-r, and I represent District 10 in northwest Omaha. I appear today to introduce LB759. LB759 would require renewal notifications for expiring protection orders. This bill came to me from a survivor that experienced continued harassment and stalking from her abuser after her protection order expired. She-- they were not made aware that a protection order could not-- or could be renewed, nor how to complete the renewal process. For some of you who are newer to this committee, you may not be aware the protection orders expire after one year. We currently do not have a mechanism that alerts survivors of the expiration, the option of renewal, nor how to renew the protection order. Commonly, a protection order is the first petition-- is first petitioned when the victim is still in crisis mode, so they'll be working with the victim advocate and law enforcement and are helped through the process of obtaining the protection order. But this is not the case once the victim has progressed on from the initial support. No one is there to help them understand that they can renew the order and the steps necessary to file the petition and affidavit 45 days before the order is set to expire. The importance of this renewal notification was made apparent when my office was alerted that the Crime Commission has been working with JUSTICE on implementing an opt-in for petitioners to receive a notification. To reflect this new information, we've got an amended version of the bill that we're still-- has-- have still in Drafting so that we can do this in the way that the Crime Commission is working on. So when we get that back, we'll be moving forward with the amended version. My office is committed to working with the Crime Commission on the work that they're doing to ensure this need for victims is met. Therefore, the fiscal note attached does not reflect the changes that will be made through the amendment, and presumably there won't be an additional fiscal note since they're going to begin doing this. Following will be a testifier that'll be able to share more information about the notification system that is currently in process of being created. We do want to go ahead and go forward with this legislation, nevertheless, because while it may be that we have this happening

voluntarily, so to speak, now we want to make sure it's in statute so that in years to come, we remember that this is something that we're doing. So I'm happy to answer any questions that you may have. Thank you for your consideration of LB759.

GEIST: Are there any questions for the senator? I don't see any. Thank you. Are there any proponents to LB759? Good afternoon.

CHRISTON MacTAGGART: Good afternoon. Sorry about that. That's what happens when you testify on five bills in one day.

GEIST: That's just fine.

CHRISTON MacTAGGART: My name is Christon MacTaggart, C-h-r-i-s-t-o-n, last name M-a-c-T-a-g-g-a-r-t. I'm the executive director of the Nebraska Coalition to End Sexual and Domestic Violence, testifying on behalf of the coalition and our network of 20 programs across the state. You've heard already today about how dangerous it is when victims leave a relationship where they're being harmed, that it's the most dangerous time for them. I want to reiterate that and say that, in fact, it's-- they're 70 times more likely to be killed in the weeks following than any other time. Protection orders are a crucial part of that process, often by removing the abuser from home and prohibiting contact. And so for this reason, when the offender is served with that new order and now knows they're cut off from the victim and from contacting them, it can be incredibly dangerous. The knowledge of the expiration order-- of that order, additionally, and the ability of a victim to then request a renewal of it, can actually be life saving for them. So it's for these reasons we support LB759 and believe it fills an important gap in the current process in place. As Senator DeBoer mentioned, we were recently made aware of work being done on this exact issue by the Nebraska State Patrol and the Nebraska Crime Commission through existing resources. The Nebraska Victim Notification Portal, which is called NEVCAP and is overseen by the Crime Commission, is a system that's connected to jails and corrections facilities, and it allows victims to register with the system and then be notified with an offender is released. So this system, through a connection with JUSTICE, the courts' case management system, has now also been programmed to provide notifications in the same manner on active protection orders for victims who register within it. So those notifications will be sent upon service of the order and then also 45 days from the expiration date of that order. A few weeks ago, we were invited to be part of a demo of the new system and to-- and allowed to make suggestions for improvements. The

indications are that the system is close to completion and could go live quickly. We believe it will do essentially what the bill does and-- and has some additional benefits in that the victim can go in and change contact information and adjust preferences for how they're contacted. And we-- the State Patrol highlighted this issue and suggested NEVCAP as a solution. We appreciate their-- their advocacy around that. So we're-- we are in support of this bill and we know there's a process in place. We're actively working with those agencies on this process and are happy to take Senator DeBoer's lead on however she wants to amend this bill and will con-- again, just continue that work and provide support around it. Happy to answer any questions.

GEIST: Thank you. Are there any questions? I don't see any. Thank you for your testimony. Any other proponents? Any proponents? Are there any opponents to this bill? Or any who would like to test-- in neutral? Senator DeBoer, you're welcome to-- oh, for the record, we have seven letters of support. Senator DeBoer waives closing. And with that, we'll close the hearing on LB759 and open the hearing on LB758. Welcome again to your Judiciary Committee, Senator Wendy DeBoer.

DeBOER: Thank you, Senator Geist and fellow members of the Judiciary Committee. My name for the record is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent District 10 in northwest Omaha. I'm here today to introduce LB758, which creates the Sexual Violence Review Act. The bill came to me from a constituent who found some problems in the system, and she'll be testifying after me about her story and the work she put into this piece of legislation. LB759 and the other bills I've introduced today are about fixing our systems so that they are more responsive to the needs of our victims and survivors. The creation of a Sexual Violence Review Task Force as prescribed by my bill, this bill, is to give us a Legislature-- as a Legislature a better understanding of gaps in the system. Without a long-term, comprehensive look at what occurs when a victim interacts with law enfor-- enforcement through any-- through to any court case, we are sure to miss pieces of how our laws may or may not work, and it certainly deprives us of our ability to make our laws better. LB758 is also about being better partners with our law enforcement and county attorneys who handle these cases to be sure that victims do not have any concerns or distrust in our system. We know we need to have buy-in from those entities if we are to make effective change. As such, I would like to bring your attention to a letter that was submitted by the County Attorneys Association. The letter is in opposition and points out some conflicts that arise-- arise with the way the green copy of the bill is written. However, I want to bring your attention

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to the bottom of the letter where they highlight possible changes. I had a conversation with the county attorneys the other day in anticipation of this hearing, and I was pleased to hear that they agree that there are some issues currently and they want to be helpful partners in finding solutions to assist law enforcement and prosecutors on these challenging criminal cases, as they say. So you'll hear today from Nithya, the constituent who brought the bill, and she'll discuss how she got to this point and the research that went into this bill. You'll also hear from the Women's Fund and the Coalition to End Sexual and Domestic Violence, and they'll speak in more detail about the obstacles faced by victims in the status quo and possible solutions we should be looking at. Thank you all for your time today and for listening to the discussions we have been having on some very difficult subject matters today. With that, I'm willing to answer any questions that the committee may have.

GEIST: Any-- I'm sorry. I forgot my role here for a moment. Any questions from the committee? I don't see any. Thank you. Are there any proponents to LB758? Thank you for coming.

NITHYA RAJAGOPALAN: Thank you, Senator Geist, and to the members of this committee. Clearly this is my first time doing this, so I want to thank you. and I'd like to take this-- these first few minutes to tell you about this bill.

GEIST: Excuse me, if you would, just state your name and spell it for us, please.

NITHYA RAJAGOPALAN: Oh, yeah. My name is Nithya Rajagopalan, N-i-t-h-y-a R-a-j-a-g-o-p-a-l-a-n. A few years ago, I spent the day with my boyfriend. It started out as a normal day. We laughed, we sang songs, and we did homework together. And that night, he wanted to have sex and I didn't, so he raped me. And if that sounds jarring, that's because it was. I didn't get it. I couldn't wrap my head around how someone I loved could do that to me. So when he begged for my forgiveness the next morning, I so badly wanted to believe him. It became a cycle, as abuse often does, but one I ended quickly. When I reported, the officers and detectives told me they were shocked by the amount of evidence I was able to provide, and my prosecutor told me she felt confident to take my case to trial. But by chance, by sheer chance, my case was reassigned and my new prosecutor blamed me for my choices and told me I came off too intelligent to have been in an abusive relationship. Then, without bothering to notify me beforehand, he dismissed my case. Not only was I hurt by the person I loved, I was

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failed by a system I trusted to protect me. And my story is not an anomaly. Every year, nearly half a million Nebraskans become victims of sexual violence, and in their darkest hour, many turn to the system. But when they walk in victims of violence and leave as victims of both violence and injustice, they lose their faith in the system. But I'm here today because I haven't. I'm here today because I believe every single person in this room cares deeply about justice and helping people. And right now, biases are preventing our law enforcement from doing that effectively, so we need metrics to quantitatively evaluate our deficits and a structure to bring people to the table and to create solutions, which is everything that this bill aims to do. Almost a year ago, I was told I seemed too intelligent to be the victim of a violent crime, so I decided that maybe I could use the intelligence that made me unworthy of justice to help secure it for all the victims who will come after me. I've done the research, I've evaluated the options, and I authored this bill. And I now really look forward to answering your questions about it. Thank you so much.

GEIST: Are there any questions of the committee? Senator Blood.

BLOOD: Thank you, Senator Geist. First of all, I want to say thank you for your bravery in coming forward today. I-- I don't know. Would you like to say the name of the person who is dumb enough to say that to you and we get that on the record? All right.

NITHYA RAJAGOPALAN: No, not at all. I guess thank you for asking.

BLOOD: Give you that opportunity.

NITHYA RAJAGOPALAN: Thank you for asking, Senator Blood, but I actually don't think it was an issue with that person. When I said that. I think everyone in this room cares about doing the right thing, I think that's also true of this individual and all of our members of law enforcement. And unfortunately, I think biases are systemic and it's not about one individual. It's about the collective.

BLOOD: Information. Yeah, absolutely. I-- I have a couple questions I've written down. So why do you think that, right now, that this bill is the most appropriate solution to the concerns that you have?

NITHYA RAJAGOPALAN: So I want to be frank. I think as a citizen, I, you know, I wrote this bill, and as Senator DeBoer pointed out, it's green and there are certainly some changes that need to be made, and

she's going to work with the County Attorneys Association to make some of those changes. As they looked at their opposition letter, I noticed that they pointed out a lot of important elements that need to be clarified, such as the-- like the past, present, future, like essentially about the scope of the bill. That said, I think this is something-- it's a step that Nebraska needs to take not only to continue efforts we've made as a state, but also to follow the lead of other states in this country. So in Nebraska, this Legislature in 2007 created the Child Protection Division under the Attorney General's Office, and in 2015 the Attorney General's Office created the Nebraska Human Trafficking Task Force. And what both of those do is provide a little bit of transparency and coordinate the state's response to these crimes. So we have it for child violence, we have it for human trafficking, and I think the next step is to integrate that into all sexual violence cases. And as far as the rest of the country, there are a number of states that have been reckoning with this problem in their own ways. In Kentucky, I know they had an issue of a number of cases being cleared by exception by the police before the cases could even get to the prosecutors. And in the city of Austin, Texas, over 1,000 women annually became victims of sexual violence a year, but only 10 percent of those cases were prosecuted. And so those two states have been implementing policies since they've arrived at these findings in order to rectify the problem. But again, the reason they were able to do that is because they had the qualitative data they needed. But I'd also like to finally point out that in the state of Utah, very recently, they passed a second-look law that authorizes the attorney general to prosecute cases that the county attorneys' offices decline. And this is specifically pertaining to sexual violence and they passed this, I believe, last year. And in a very short amount of time, the attorney general has come out with a statement that his office is in need of more resources because there is a high demand. There's a significant number of sexual violence cases that his office could and felt the need to prosecute that were declined previously.

BLOOD: Thank you for that comprehensive answer. So I know you've already been asked this and you've kind of intimated this. What would be your response when people say, isn't it the-- the-- within their power and the duty of prosecutors to have the ability to make that decision based on evidence? How would you respond to that?

NITHYA RAJAGOPALAN: Yeah, I would respond by saying I couldn't agree more. I think, both constitutionally and as far as just the job of the prosecutors, I think that that is something that we need to uphold, you know, discretion. And I think the intention of this bill is to be

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retrospective and, therefore, it would not infringe on discretion. At the end of the day, the prosecutors are the ones that make the decisions on their cases. But I do want to point out that there's a difference between an absence of evidence and the presence of bias. So our prosecutors are supposed to make decisions based solely on the evidence. And unfortunately, when we have sexual violence cases, there is a high potential for biases such as the subjective perception of a victim to come into play and interfere with that. So, again, at the end of the day, this is completely separate from prosecutorial discretion. It-- it respects that. But this would just be an advisory way to engage prosecutors in discussion and ongoing discussion and to evaluate how we can support our law enforcement to do better.

BLOOD: So if I hear you correctly, then you feel that it's a good use of time and resources, regardless of whether they think they can win or not.

NITHYA RAJAGOPALAN: Yeah. So to answer that question, I would first like to read an excerpt, a quote from the the Bar Association's standard for prosecutorial function, because, again, I'm a citizen. I didn't know about all of this. So I read that the prosecutor is not merely a case processor, but a problem solver responsible for considering the broad goals of the criminal justice system. And I want to talk about how sexual violence, although the criminal justice system sees these cases and is responsible for responding to them, I think we sometimes forget that these instances of violence don't occur in a vacuum. And just as culture dictates policy, I think policy also dictates culture. And I think we need to consider the ramifications of the state allowing bias to supersede the evidence in their decisions. I understand that prosecutors might be reluctant to go forth with cases because they know that juries might be biased against victims. And I get why from-- from their experience, they might be reluctant to take a case knowing that it would lose because of the bias of a jury. But I think that there's something very different between 12 citizens making their decisions based on a bias and the state acting on that bias. I think the latter means that the state has sanctioned that bias, and I know that that's not something that anyone in this Legislature nor law enforcement wants to set a precedent for.

BLOOD: Fair enough. I-- I just want to add that I hope you're sincerely proud of yourself for being a warrior for other women. So often when people become victims, they remain silent, which is part of the reason why victimization continues to be at the level that it is. We have issues like incest, which is the most underreported crime in

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the United States, that we'll never see people up here talking about. So I just want to say well done--

NITHYA RAJAGOPALAN: Thank you.

BLOOD: --and that you are a true warrior and you should be very proud of the things that you've done.

GEIST: Are there any other questions? Thank you for your testimony. Good afternoon.

ANGIE LAURITSEN: Thank you, Senator Geist and Judiciary Committee. I thank you for this opportunity to speak in favor of LB758. My name is Angie Lauritsen, A-n-g-i-e L-a-u-r-i-t-s-e-n. I am a survivor of childhood sexual assault, domestic violence, physical, mental and financial abuse. My role here is to make sure that the survivor voice is front and center on policy. We know that every 68 seconds a sexual assault happens in the United States. We also know that less than one third of them are actually reported to law enforcement. Only 50 in 1,000 lead to an arrest, and only half of those lead to a conviction. It is hard to grasp the magnitude of these crimes when so few are actually reported to law enforcement. Because so many go unreported, rapists and sexual predators are not held accountable and they can continue to assault more victims. The creation of this task force would help us better understand the scope of sexual violence in Nebraska, to identify the system changes needed for better reporting, arrests and convictions of perpetrators. It would help us fully recognize and protect each victim of sexual violence. There are many complicated issues that prevent reporting of sexual violence. A common assumption is that rapes are mostly committed by strangers. In fact, the majority of the sexual assaults are actually committed by someone that is known to the victim. The stranger myth fosters the wrong belief that a sexual assault committed by someone known to the victim is not rape. When I first reported to my aunt about my abuser, my own father, her first response was to say, well, it was only a matter of time. What that told me as a 14-year-old was that I was not his only victim. We know that there are generational and habitual rapists who live in our communities and are never reported. I was not my father's first victim and I was also not my [SIC] last. He went on to abuse two additional victims that we know about whom he assaulted while dating their mothers. Later, when I was raped by an intimate partner, it did not occur to me to report that right because of the stranger myth, but because I did not report the rape, it left him the opportunity to assault future victims. Victims will report their assault when they

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feel safe. Through this task force, we may be able to identify the many barriers in place that prohibit the reporting of sexual violence. As an example, a lack of external injuries requiring medical care is one reason why victims will not report to law enforcement because they fear they will not be believed. But a 2017 clinical study found that 70 percent of the 298 female rape survivors assessed claim that they experienced involuntary paralysis during the assault. Just because a woman does not have physical-- visible injuries or did not show resistance does-- does not mean she was not raped. Outside of this bill, I do want victims and survivors of sexual violence to know that they can ask the Attorney General's Office for a review of their case if they feel that they were not heard and supported by their local officials. If you care about victims of sexual assault, I urge you to support and vote LB535 [SIC] out of committee. I also wanted to note that I did highlight I did a quick Google search earlier this week and looked up all of the task forces that are currently active within the state of Nebraska, and I don't think it's out of the realm to include a Sexual Violence Task Force.

GEIST: Thank you. Are there any questions? I don't see any, but I would just say that you and the previous test are very courageous women. Thank you.

ANGIE LAURITSEN: Thank you for your time.

GEIST: There are any other proponents?

SCOUT RICHTERS: Good afternoon. My name is Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s. I am an attorney here on behalf of the ACLU of Nebraska in support of LB758. We first want to thank Senator DeBoer for bringing this bill forward. Domestic violence, sexual assault, and other forms of gender-based violence deprive women and girls of their fundamental ability to live with dignity. Women and girls experience domestic violence and sexual assault at truly alarming rates. Government institutions, laws and policies contribute to the systematic devalue-- devaluation of the lives and safety of women and girls by failing to respond to gender-based violence and discriminating against those subjected to that violence. Several years back, ACLU-- ACLU National issued a report based on a nationwide survey of 900 advocates, attorneys, service providers and nonprofit workers who support or represent domestic violence and sexual assault survivors, and as a topline finding from that report, 88 percent of respondents reported that police sometimes or often do not believe victims or blame victims for-- for the violence. Advocates also

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identified police inaction, hostility and bias against survivors as key barriers to seeking intervention from-- from the criminal justice system. And I think that's very consistent with what-- what we've heard from other testifiers as well. This report I referenced and what the ACLU of Nebraska has anecdotally heard from survivors shows us that we need accountability of law enforcement agencies, as well as prosecutors for blaming victims and refusing to investigate or charge domestic violence and sexual assault, the same as they do with other crimes. And-- and LB758 provides really much-needed oversight of acts of sexual violence against Nebraskans. So for those reasons, we-- we fully support LB758.

GEIST: Thank you for your testimony.

SCOUT RICHTERS: Thank you.

GEIST: Are there any questions? I don't see any. Thank you.

SCOUT RICHTERS: Thank you.

GEIST: Are there any other proponents? Good afternoon.

ERIN FEICHTINGER: Good afternoon again-- Second Chair Geist?

GEIST: Sounds good.

ERIN FEICHTINGER: Members of the Judiciary Committee, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r. I'm the policy director for the Women's Fund of Omaha. Our freedom from violence work focuses on ending gender-based violence, which includes all forms of sexual violence. We know that this effort requires collaboration from partners across our local community, many of whom you've heard from today. But most importantly, it requires that we listen to survivors and their lived experiences. We support LB758 and we support the survivor who brought this important legislation forward to create necessary transparency within our court system. Justice looks different for every survivor. For many who have reached out to us, having their cases prosecuted post-assault and holding their offenders accountable is an important step in their healing process. But the criminal justice system is failing survivors who want their cases prosecuted. Across jurisdictions throughout the country, for instance, criminal justice outcomes resulting from CODIS hits occur relatively infrequently, with many jurisdictions reporting ranges from 0 to 7 percent of hits resulting in arrests or prosecution. Omaha's prosecution levels are in line with these national data points as no

known cases related to the hundreds of sexual assault kit initiative cases tested have resulted in a successful prosecution. While data regarding the number of sexual assault cases prosecuted in our state is not available, we continue to hear from survivors that their cases are not being prosecuted even after advocating for it throughout the investigative process. We know that the criminal justice system cannot make any meaningful change without data showing exactly where we can improve. Collecting information about the investigation and prosecution process from start to finish for each case helps identify possible improvements in how we most effectively implement changes. It is not only-- it is also not only important that cases are being prosecuted, but that the investigation and prosecution processes are conducted with a trauma-informed, victim-centered approach. I believe we agree that the last thing we want for our state is a system that retraumatizes survivors in their pursuit of justice. We believe survivors of sexual assault deserve to have their cases prosecuted if they so choose, and to have their cases prosecuted in a compassionate and trauma-informed manner. This is not the current reality for many in our state. LB758 offers many necessary changes that would highlight ways for us to improve our current systems, and we encourage the committee to work with the survivor, who deserves justice, to support this bill. I'm happy to answer any questions to the best of my ability.

GEIST: Thank you. Thank you. Are there any-- any questions on the committee? I don't see any. Thank you. Next testifier.

WAYNE: Next proponent.

JENNIFER RICHEY: Good afternoon, Chairman Wayne and committee, again. I am a, like-- oh, sorry. Jennifer Richey, R-i-c-h-e-y, and I am a licensed independent mental health clinical social worker. I work with victims who are experiencing all types of abuse and assault. And just speaking to this, I just wanted to give a couple statistics. So leaving an abusive relationship is the most life-- life-threatening and dangerous phase in the abuse cycle. The National Coalition Against Domestic Violence reports that 1 in 2 female murder victims and 1 in 13 murder-- male murder victims were killed by an intimate partner; 65 percent of murder suicide victims are from an intimate partner; and 96 percent of murder-suicide victims are female; 70-- 72 percent of deaths with children six and under were murdered by an abusive parent. So I know this is talking about abuse at broad. I currently see several clients who gave me the permission to discuss some of their cases and their experiences, and I had a gal recently who was at a

casino and her ex-boyfriend smashed her head against the-- the casino game machine. Security was sitting right there and did nothing about it. Her ex-boyfriend proceeded to drive her in a car where he continued to assault her. She ran out of the moving vehicle and witnesses were there. She has struggled with law enforcement. They were not able to serve this individual. And she has advocated, knew where he was going to be, knew how he could be served, and he-- he never got served. And so she's-- has to push forward with getting these charges pressed against him, not only leaving this relationship, going through the trauma that she's gone through, but she is facing all the barriers in this court legal system. I've had a judge personally say to me that, unless there's bodies in the backyard, he's not concerned and awarded 50/50 custody. I think there's a lack of education in our legal system. I've worked with U.S. Marshals, FBI in assisting cases. A lot of times abuse victims are interviewed in front of their abuser. And I-- I think that in Nebraska, we have a duty to do more to these women, to these people who are here testifying through these traumatic experiences that they've had, and they're let down by our legal system. I will happily answer any questions if you have them.

WAYNE: Any questions from the committee? Seeing none, thank you for being here today, ma'am. Next proponent.

CHRISTON MacTAGGART: Hello again. For the final time today, my name is Christon MacTaggart, C-h-r-i-s-t-o-n, last name M-a-c-T-a-g-g-a-r-t. I'm the executive director of the Nebraska Coalition to End Sexual and Domestic Violence, testifying in support of LB758 on behalf of the coalition, our network of 20 direct service programs across the state. In 2019, the coalition collaborated with some research to do a scan of existing sexual violence data across the state. And what we learned is that there's actually very little data that exists in Nebraska. And so based on recommendations from that data scan report, we actually commissioned and released our own research on prevalence of domestic and sexual violence in the fall of 2022. And that research showed a vast underreporting of sexual violence in Nebraska, that female survivors report approximately 10 percent of victimizations to law enforcement and that male survivors report even less. In addition, on a helpfulness scale, survivors actually rated law enforcement as the least helpful among folks that they reached out to for support after their victimization. And so what that data suggests to us is that Nebraska could benefit from ongoing review and analysis of reported sexual assaults and from recommendations on how we can continue to improve. LB758 would support a more complete picture of reported

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sexual assaults, which we appreciate. And I do think that by knowing when, where and how sexual violence is occurring in Nebraska, not just the criminal justice system, but all of us can inform and tailor interventions, system responses, and prevention strategies accordingly. As a survivor-centered organization, honoring choice in how survivors navigate trauma and justice is the very foundation of how we do our work. And knowing that one of those choices may include reporting the crime against them means that we have always, throughout our history, partnered closely with criminal justice agencies on training, building and enhancing responses. Being survivor centered also means, though, that if we want to improve experiences with survivors, we have to not just listen to them. We have to partner and center them in the solutions and in that training, building and enhancing. And so for those reasons, we are supporting LB758, and I'm happy to answer any questions you might have.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next proponent. Next proponent. All right, moving on to opponents. Any opponents? All right, moving on to natural-- natural-- neutral testimony. Seeing none, we'll invite Senator DeBoer to come up to close. And for the record, we received eight letters, six in support, one in opposition, one in a neutral position. Senator DeBoer.

DeBOER: Thank you, Senator Wayne. I just wanted to say thank you to all the committee members for taking the time today to listen to all of these bills, and particularly this last one. I think you see that there is a real need to look at our systems and try to make sure that we are doing the best that we can for all of Nebraskans, and particularly for those who have experienced these kinds of traumas. And I will work with the various stakeholders to see how we can better improve our system so that we can make sure that we are doing everything we can to help all these folks.

WAYNE: Any questions from the committee? Seeing none, thank you. And with that, we will close the hearing on LB758, and that closes today's hearings.